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GENERAL ASSEMBLY
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Agenda item 55
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-first year

Letter dated 29 April 1996 from the Permanent Representative of
Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus and of the flight information region (FIR) of Nicosia by military aircraft of the Turkish air force.

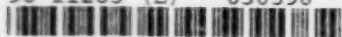
On 26 April 1996, at 1120 hours, a formation of two Turkish air force RF4 aerial reconnaissance aircraft entered the Nicosia FIR without permission, flying at an altitude of 23,000 feet. The two aircraft overflew the Kormakitis cape, violated the national airspace of the Republic of Cyprus and then flew along the western and southern coast of Cyprus and exited the north-western Nicosia FIR at 1209 hours, flying in the direction of Turkey.

At the same time, a Turkish warship was located in international waters 22 nautical miles west of Paphos, heading towards the south.

The repeated violations of the Nicosia FIR and of the national airspace of the Republic of Cyprus by Turkish military aircraft the last few years are indicative of the provocative attitude of Turkey, which in 1974 invaded and since then occupied 37 per cent of the territory of the Republic of Cyprus.

At the same time, such unauthorized intrusions into the Nicosia FIR are in violation of international air traffic rules and seriously endanger civil aviation flights over Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly against these violations of the Nicosia FIR and of the Republic's airspace by Turkish air force aircraft. These violations of the sovereignty and territorial integrity of the Republic of Cyprus are contrary to the Charter of



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the United Nations and to the resolutions of the General Assembly and of the Security Council on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 55, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Permanent Representative



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ORIGINAL: ENGLISH

LETTER DATED 2 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF
RWANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

Upon my Government's instructions, I have the honour to forward to you herewith a document from our national news agency, the Ministry of Information, providing an overall and accurate picture of the important role played by the Government of Zaire in its ill-motivated efforts and manoeuvres to destabilize the Great Lakes region as a whole (see annex).

I should be extremely grateful if you could circulate this letter and its annex as a document of the Security Council.

(Signed) Manzi BAKURAMUTSA
Ambassador
Permanent Representative of
Rwanda to the United Nations

Annex

The role of the Government of Zaire in the destabilization of
the Great Lakes region

The events that have been unfolding in the north Kivu region of eastern Zaire have shocked many in the international community. This long-term cynical behaviour of the Zairian Government should be condemned by the entire world and urgent actions to stop this human tragedy ought to be taken without delay.

Forcible eviction of Kinyarwanda-speaking Zairians

The forcible eviction of Kinyarwanda-speaking citizens of Zaire is clearly in keeping with the strategy of destabilizing the Great Lakes region on the part of the Government of Zaire. The persecution of Kinyarwanda-speaking Zairian nationals of North Kivu with the connivance of Rwandan officials is not a recent development. This harassment campaign started back in 1993. This has resulted in the deaths of hundreds of innocent victims. Presently, the genocidal leaders with Interahamwe militia are actively involved in a well-coordinated campaign to displace the Kinyarwanda-speaking Zairians from their own land and property. With the approval of Zairian Government officials. Rwandan vehicles looted by former leaders of the genocidal regime in Rwanda are now being used in the operation to dump the Kinyarwanda-speaking Zairians across the border into Rwanda.

Refugees fleeing the area point out that attacks against them have been carried out by Interahamwe militia with the support and participation of Zairian government troops with the overt blessing of Zairian civil authorities. The militia have long resisted any possibility of settling them away from the Rwandan border. It is from these border points that they have carried out raids on Rwandan territory which have claimed the lives of many innocent civilians in the prefectures of Cyangugu, Kibuye, Gisenyi and Ruhengeri, as well as causing substantial material damage. Similar cross-border incursions by ex-Rwanda government forces and Interahamwe militia who perpetrated genocide in Rwanda are equally decried by Burundian authorities who affirm that these criminals are involved in horrors rocking many parts of their country today. The attack on 22 April on Kisoro Town in the Kabale District in Uganda by the same genocidal forces from refugee camps in north-eastern Zaire is part of the larger plan of the Government of Zaire to set ablaze the entire Great Lakes region. The refusal by the Government of Zaire to settle the Interahamwe militia away from the border areas clearly violates the Geneva refugee convention which stipulates that a host country shall not allow refugees to settle along the borders of their country of origin - Rwanda in this case.

The involvement of the Interahamwe militia gangs in violence in North Kivu has the support of the Rally for the Return of Refugees and Democracy (RDR), a political grouping of former Rwandan government officials and military who have ganged up for the purpose of obstructing the return of refugees and for extracting amnesty concessions for all those involved in the holocaust in Rwanda. The RDR, which has seen its disinformation campaign aimed at preventing

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the return of refugees collapse, has opted for the current cynical initiative of harassing Kinyarwanda-speaking citizens of Zaire with the aim of evicting them from their land and property, thus paving the way for the 1994 refugees to occupy their land, in a bid to defer their return to Rwanda.

Support for former Rwandan officials accused of crimes of genocide and for other extremist elements

After the completion of genocide in Rwanda in July 1994, all those involved in the planning and execution of the holocaust were granted safe haven by the Government of Zaire. The entire former Government which planned and supervised genocide in Rwanda along with the former army and Interahamwe militia, established themselves in eastern Zaire. The role of the Government of Zaire and the support it has extended to the former Government of Rwanda and its army and militia in their efforts to destabilize Rwanda is a matter of record. The visible hand of the Government of Zaire in the activities of the officials of the former Rwandan Government aimed at training soldiers, acquiring arms and infiltrating Rwandan territory have been documented by numerous international organizations: Amnesty International, Africa Watch, Africa Rights and, most damning of all, the United Nations Security Council report of April 1996. According to Mr. Joost Hiltermann of the Human Rights Watch Arms Project in Washington: "Arms are going to Hutu militias belonging to both Rwanda and Burundi The danger of destabilization of the whole region is very high."

United Nations investigators as well as human rights and media organizations have pointed out the existence of military bases for former Rwandan soldiers and militia in such camps as Kamanyora, Panzi and Mugunga, with the full knowledge and support of the Government of Zaire. Extremists of all stripes in the region have found a home and support in Zaire. These include not only those responsible for genocide in Rwanda, but also those calling for a similar holocaust in Burundi, Leonard Nyangoma being one of the most vicious elements of this category of hate mongers, with Sendegeya and Jerome Ndiho the most ferocious proponents of the ideology of exclusion and extermination, according to which one ethnic group by virtue of its natural majority was born to rule the others, to the point of extermination.

Hate media campaign

The role played by the mass media during the genocide campaign in Rwanda cannot be overemphasized. Hate media organizations spearheaded by RTLM radio station and the newspaper Kanqura played a pivotal role before and during the process of genocide in Rwanda. These are media organizations that publicly called for the extermination of Tutsi in Rwanda as a "final solution". Presently, a hate radio station Rutomorangingo, modern day version of RTLM, is freely operating on the Zairian territory, disseminating the same hate propaganda in the Great Lakes. Extremist reporters and journalists who worked on RTLM are currently actively involved in similar campaigns on this radio station. The message is clear and familiar - the extermination of Tutsis from the region. According to the report by the United States Committee for Refugees: "The impressive propaganda skills of the exiled regime sparked the

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murder of up to 1 million persons and helped persuade nearly 2 million refugees to flee Rwanda. Those same propaganda skills are now helping perpetuate a refugee crisis and regional instability."

Refusal to apprehend and hand over wanted genocidal criminals

Most of the political, military as well as militia leaders wanted by the International Tribunal for Rwanda are currently free residents in Zaire. While other countries have recently moved to apprehend these criminals involved in the Rwandan holocaust, specifically Zambia and Cameroon, the Government of Zaire has clearly indicated that it is not prepared to hand them over to the Tribunal or any other jurisdiction for that matter. Instead the leadership in Zaire has called for a blanket amnesty for the authors of genocide in Rwanda, clearly advocating impunity - a factor that has led to frequent mass killings that culminated in full-blown genocide in 1994, which is also at the root of current problems in neighbouring Burundi.

While there is every indication that the Government of Zaire has connived with former Rwandan officials in obstructing the return of Rwandan refugees who fled there in 1994, it is now involved in a sinister campaign to evict its own Kinyarwanda-speaking citizens from their own country. This blatant victimization of its own citizens goes along to fit the Zairian Government line of destabilizing the Great Lakes region.

In the past, international human rights and other organizations have called for sanctions against the Government of Zaire. Given the continued intransigent attitude of the regime in Kinshasa, the international community should seriously pursue the proposal and send a clear message to the leaders in Zaire that the world is not prepared to stand by while the Government of Zaire is creating insecurity in the entire Great Lakes region.



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LETTER DATED 30 APRIL 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ITALY TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On behalf of the European Union I have the honour to transmit to you herewith a statement of the Presidency of the European Union on the Initiative of the United States of America and the Republic of Korea, issued in Rome and in Brussels on 29 April 1996 (see annex).

I should be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Lorenzo FERRARIN
Deputy Permanent Representative
Chargé d'affaires a.i.



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English

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Annex

[Original: English and French]

Statement on the Initiative of the United States of America
and the Republic of Korea issued by the Presidency on behalf
of the European Union

The European Union supports the proposal of the United States and the Republic of Korea to hold four-party talks between the representatives of the Republic of Korea, the Democratic People's Republic of Korea, the People's Republic of China and the United States with a view to achieving a stable and permanent peace on the Korean peninsula.

The European Union hopes that, as a result, a constructive dialogue between all the parties concerned, which it considers necessary for the fostering of stability on the Korean peninsula and for security for the whole North-East Asian region, could be put again on track.



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6 May 1996

ORIGINAL: ENGLISH

LETTER DATED 3 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF
THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention the following instances of violations by Iraq of the terms of the cease-fire between the two countries.

1. On 1 June 1995, at 0756 and 1500 hours, Iraqi forces were observed conducting engineering activities by using three mechanical shovels near the geographical coordinates of TP 520-260 on the map of Khosro-Abad, in no man's land, north of Khalfan stream and south of Iraq's Ma'amir stream.
2. On 2 June 1995, at 1220 hours, Iraqi forces stationed at Meimak heights began firing indiscriminately near the geographical coordinates of NC 832-191 on the map of Halaleh, in no man's land, north of border pillar 35/8.
3. On 2 June 1995, Iraqi forces were observed conducting engineering activities by using a mechanical shovel near the geographical coordinates of TP 500-260 on the map of Khosro-Abad, in no man's land, north of Khalfan stream and south of Iraq's Ma'amir stream.
4. On 3 June 1995, at 0930 hours, Iraqi forces began setting off a wave of severe explosions in no man's land near the geographical coordinates of TP 150-020 on the map of Nim-Istgah Navad, between north of border pillar 7/13 and south of border pillar 7/14. The shrapnel from these explosions landed in the territory of the Islamic Republic of Iran.
5. On 3 June 1995, at 0925 hours, seven Iraqi forces were observed constructing a bunker near the geographical coordinates of NC 458-988 on the map of Khosravi, in no man's land, south of border pillar 51.
6. On 22 June 1995, at 0030 hours, a number of anti-revolutionary elements crossed the border and penetrated into the territory of the Islamic Republic of Iran. They attacked the Iranian border post at the geographical coordinates of ND 664-298 on the map of Ghasr-e-Shirin, about 200 metres from south-east of border pillar 60/6. When confronted with the reaction of the Iranian border police, they retreated into Iraqi territory.



7. On 25 June 1995, at 1000 hours, eight Iraqi forces were observed digging a canal near the geographical coordinates of ND 538-256 on the map of Ghasr-e-Shirin.

8. On 4 July 1995, at 1230 hours, seven Iraqi forces were observed constructing an observation post near Anjireh sentry post at the geographical coordinates of NC 863-053 on the map of Anjireh (Tarsaq), south of border pillar 34/14 and Shino mountain.

9. On 10 July 1995, at 1800 hours, 10 Iraqi vehicles (6 Toyotas and 4 Patrols) were observed proceeding from near the geographical coordinates of NC 354-648 on the map of Naftshahr, west of Iraq's Naftkhaneh and Kaneh-Kaboud border river towards the geographical coordinates of NC 344-612 on the map of Naftshahr, opposite south of Iran's Sehtapan sentry post and north-west of border pillar 46 and west of Kangagoush river.

10. On 18 July 1995, at 1145 hours, a number of Iraqi commanders aboard four vehicles entered an Iraqi border post near the geographical coordinates of PB 944-982 on the map of Kouh-Gotbeh, in no man's land, between east and west of border pillars 24/9 and 24/10. They left the area after inspecting the border post.

11. On 18 July 1995, at 1200 hours, an Iraqi helicopter was observed flying near the geographical coordinates of NC 407-970 on the map of Khosravi.

12. On 18 July 1995, at 1400 hours, five Iraqi armed forces began firing for 15 minutes towards the Iranian border police stationed at the Changouleh border post from a distance of 1,400 metres from south-east of Changouleh post at the geographical coordinates of PB 340-443 on the map of Kouh-Tunnel, in no man's land, south of border pillars 26/4 and 26/5. They left the area at 1450 hours when confronted with the reaction of the Iranian border police.

13. On 20 July 1995, at 1010 hours, three Iraqi civilians penetrated into the territory of the Islamic Republic of Iran and were observed surveying the area near the geographical coordinates of PB 047-662 on the map of Mehran, south-east of Iraq's Ta'an. They fled into Iraqi territory when confronted with the reaction of Iranian forces.

14. On 24 July 1995, at 2005 hours, an Iraqi aircraft was observed flying near the geographical coordinates of TP 520-290 on the map of Khosro-Abad, north of Nahr-Alkhashi on the other side of the border.

15. On 27 July 1995, at 0720 hours, Iraqi forces were observed using a bulldozer to repair a road from the geographical coordinates of PB 350-430 on the map of Kouh-Tunnel, south of border pillar 25/11 to the geographical coordinates of PB 330-440 on the map of Kouh-Tunnel, south of border pillars 26/5 and 26/6, in no man's land.

16. On 27 July 1995, at 0950 hours, Iraqi forces carried out a severe explosion near the geographical coordinates of NC 470-520 on the map of Sumar, south-west of border pillar 44/6.

17. On 28 July 1995, at 1040 hours, Iraqi forces were observed conducting engineering activities by using one loader and one truck near the geographical coordinates of PB 040-480 on the map of south of Mehran, south of border pillar 27/15.
18. On 28 July 1995, at 1930 hours, Iraqi forces constructed two small towers on top of an embankment near the geographical coordinates of PB 942-982 on the map of Kouh-Gotbeh, in no man's land, south of border pillars 24/9 and 24/10, thereby increasing their observation towers to four.
19. On 29 July 1995, at 1020 hours, six Iraqi forces were observed constructing a bunker near the geographical coordinates of NC 418-985 on the map of Khosravi.
20. On 2 August 1995, at 0750 hours, eight Iraqi forces were observed constructing a bunker near the geographical coordinates of ND 430-020 on the map of Khosravi, south-west of border pillar 53/1.
21. On 2 August 1995, at 1205 hours, a khaki-coloured Iraqi helicopter was observed flying near the geographical coordinates of TQ 150-020 on the map of Nim-Istgah Navad, north of border pillar 7/13 and south of border pillar 7/14, in no man's land, in Iraqi territory.
22. On 2 August 1995, a number of anti-revolutionary elements crossed the border and penetrated deep into the territory of the Islamic Republic of Iran. Entering Vavan village at the geographical coordinates of NF 420-170 on the map of Alavan, about 18 kilometres south of border pillar 112/1, Gorizal village at the geographical coordinates of NF 390-190 on the map of Alavan about 16 kilometres between south-east of border pillar 114/1 and north-east of border pillar 114, and Bardeh-Soar village at the geographical coordinates of NF 350-150 on the map of Alavan, about 9 kilometres north-east of border pillar 112, they began threatening the border villagers and blackmailing them. Afterwards, they returned to Iraqi territory.
23. On 3 August 1995, at 0725 hours, an Iraqi helicopter was observed flying from near Iraqi Manzarieh sentry post at the geographical coordinates of ND 420-050 on the map of Khosravi, north of border pillar 53/2 towards Height 280 at the geographical coordinates of ND 400-070 on the map of Khosravi, north-west of border pillar 53/4.
24. On 3 August 1995, from 0800 hours to 1200 hours, an Iraqi loader was observed removing earth near the geographical coordinates of PB 100-450 on the map of south of Mehran, south-east of border pillar 27/11.
25. On 6 August 1995, at 0900 hours, two Iraqi aircraft were observed flying near the geographical coordinates of TQ 150-020 on the map of Nim-Istgah Navad, north of border pillar 7/13 and south of border pillar 7/14, on the other side of the border.
26. On 6 August 1995, a number of Iraqi patrols were observed near the geographical coordinates of NC 550-390 and NC 570-039 on the map of Sumar, south and south-east of border pillars 41 and 42, and west and north-west of border pillar 40/5.

27. On 7 August 1995, at 0900 hours, two Iraqi bulldozers and one loader were observed in operation near the geographical coordinates of PB 180-480 on the map of Kouh-Tunnel, in no man's land, south of border pillar 27/7.

28. On 8 August 1995, four Iraqi forces were observed constructing a bunker near the geographical coordinates of TP 293-617 of the map of Khosravi.

29. On 10 August 1995, Iraqi forces deployed a 14.5 millimetre cannon near the geographical coordinates of NC 550-400 on the map of Sumar, in no man's land, west of border pillars 41 and 42.

30. On 11 August 1995, at 0800 hours and 1430 hours, 39 Iraqi forces were observed traversing near the geographical coordinates of NC 457-988 on the map of Khosravi, south of border pillar 51.

31. On 11 August 1995, at 1615 hours, five Iraqi personnel carriers, each carrying 12 personnel, along with a truck proceeded from the city of Koot and were stationed near the geographical coordinates of PB 110-465 on the map of Mehran, south-west of border pillar 27/10.

32. On 14 August 1995, at 0730 hours, two Iraqi helicopters were observed flying six times from Khaneqein to near the geographical coordinates of NC 387-920, ND 356-023, ND 407-137 and ND 387-102 on the map of Khosravi.

33. On 14 August 1995, from 0800 hours to 1500 hours, eight Iraqi forces were observed patrolling near the geographical coordinates of NC 427-985 on the map of Khosravi.

34. On 15 August 1995, a number of Iraqi forces were observed traversing and patrolling near the geographical coordinates of QA 060-930 on the map of Meimeh river, in no man's land, south of border pillar 23, the geographical coordinates of TP 495-390 on the map of Khosro-Abad, in no man's land, in Koot Za'er-Ali, the geographical coordinates of TP 470-350 on the map of Khosro-Abad, in no man's land, in Nahr-Al-Koot, and the geographical coordinates of TP 140-860 on the map of Nim-Istgan Navad, west of border pillar 7/3.

35. On 19 August 1995, 28 Iraqi forces were observed patrolling and guarding the positions near the geographical coordinates of PB 070-820 on the map of Chai-Ghareh-Tappeh, south-east of border pillar 24/8, the geographical coordinates of QA 070-930 on the map of Meimeh river, in no man's land, south of border pillar 22/5, the geographical coordinates of TP 520-260 on the map of Khosro-Abad and south of Nahre-Ma'amir, the geographical coordinates of TP 300-677 on the map of Khorramshahr opposite Minu Island, and the geographical coordinates of TQ 158-020 on the map of Nim-Istgah Navad, north of border pillar 7/13 and south of border pillar 7/14.

36. On 20 August 1995, from 0700 hours to 1200 hours, nine Iraqi forces were observed constructing a bunker near the geographical coordinates of ND 415-025 on the map of Khosravi, west of border pillar 53/1.

37. On 20 August 1995, 12 Iraqi forces were observed traversing near the geographical coordinates of NC 641-281 on the map of Kani-Sheikh, in no man's

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land, south of border pillar 30/5 and the geographical coordinates of PB 045-750 on the map of Mehran, Iraq's Ta'an, in no man's land.

38. On 20 August 1995, 27 Iraqi personnel aboard a motor boat were observed patrolling Arvand Rud near the geographical coordinates of TP 501-400 on the map of Khosro-Abad, passing Thalweg line and violating the waters of the Islamic Republic of Iran at the geographical coordinates of TP 480-340 on the map of Khosro-Abad, in no man's land, west of Al-Haji Ashura and the geographical coordinates of TP 575-171 on the map of Faw.

39. On 29 August 1995, 25 Iraqi trucks were observed removing earth near the geographical coordinates of QA 040-930 on the map of Meimeh river, between west of border pillar 24 and east of border pillar 24/1.

40. On 31 August 1995, at 0900 hours, 15 Iraqi forces were observed digging a canal near the geographical coordinates of ND 400-020 on the map of Khosravi.

It would be highly appreciated if the present letter were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative



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3 May 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN BURUNDI

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1049 (1996) of 5 March 1996, in which I was requested to keep the Council closely informed on the situation in Burundi, including on my efforts to facilitate a comprehensive political dialogue, and to submit a full report on the implementation of the resolution by 1 May 1996. Some days before that date the Security Council was informed that the report would be delayed by a few days because two significant developments were in progress or imminent - the meeting of Mr. Julius R. Nyerere at Mwanza, United Republic of Tanzania, and an address to the nation that was to be delivered by the President of the Republic of Burundi on 25 April. I was also awaiting the outcome of a mission to Burundi by the Under-Secretary-General for Political Affairs from 24 to 26 April and a meeting I was to have with my Special Representative at Nairobi on 30 April.

2. In resolution 1049 (1996), the Council also asked me, in consultation, as appropriate, with the Government of Burundi, the heads of State of the Great Lakes region, Member States concerned, the Organization of African Unity (OAU) and the European Union, to intensify preparations for convening a regional conference for peace and security and development in the Great Lakes region to address the issue of political and economic stability in the Great Lakes States. The Council also encouraged me to continue my consultations with Member States concerned and OAU, as appropriate, on contingency planning both for the steps that might be taken to support a comprehensive dialogue and for a rapid humanitarian response in the event of widespread violence or a serious deterioration of the situation in Burundi.

3. Furthermore, I was requested by the Council, in consultation with interested States and organizations, to report to the Council on the possibility of establishing a United Nations radio station in Burundi, including through voluntary contributions, to promote reconciliation and dialogue and to relay constructive information as well as supporting the activities undertaken by United Nations agencies, particularly in the fields of refugees and returnees.



4. Since resolution 1049 (1996) was adopted, the Security Council has received regular oral briefings by my Personal Representative. On 12 April, I addressed a letter to the President of the Council, in accordance with paragraph 15 of resolution 1049 (1996), informing him of the deterioration of the situation that had taken place during the month of March (S/1996/313).

II. POLITICAL SITUATION

5. The security situation has continued to deteriorate and tension remains high as Hutu armed bands, led by Mr. Leonard Nyangoma, President of the Conseil national pour la défense de la démocratie (CNDD), are intensifying their attacks throughout the country. The International Committee of the Red Cross estimates that since February 1996 over 100,000 people have been displaced as a result of the fighting. The strategy of the armed bands seems to be to put pressure on the Army and to stretch its capacity by carrying out "hit and run" guerrilla attacks simultaneously in different rural areas. They attack military personnel and perpetrate acts of revenge against their families and their properties. Their victims also include Hutus. By burning crops and slaughtering cattle, a symbol of wealth, they force civilians to leave their hills, which puts additional pressure on Burundi's subsistence economy. Most recently, the rebels seem to be trying to isolate the capital by laying mines on the routes linking it to the rest of the country. The Burundian Army has responded vigorously to these attacks, sometimes through pre-emptive actions and sometimes through reprisals against civilians in areas where attacks have taken place. Civilian casualties caused by both sides are reported to be high and my Special Representative receives many letters from local leaders on this issue. There have in recent days been new flows of Burundian refugees into Zaire.

6. In these circumstances, it is clearly desirable that negotiations should be initiated for a restoration of peace in Burundi. Mr. Nyangoma's position in this regard is that certain conditions must be met before such negotiations can take place. Those conditions, as indicated in a communiqué issued by CNDD on 24 March 1996, include: the immediate release of 5,000 members of the Front pour la démocratie au Burundi (FRODEBU) who are held as political prisoners; the return to barracks of the Government's troops; and the unconditional and immediate withdrawal of the INTERPOL arrest warrants against Mr. Nyangoma and the Vice-President of CNDD, Mr. Christian Sendegeya. Once those conditions were fulfilled, CNDD would ask its armed wing to abide by a cease-fire. During that cease-fire, CNDD would agree to participate in negotiations leading to the abolition of the convention on governance (S/1995/190, annex); the rehabilitation of the institutions cancelled by that convention; the integration of the armed wing of CNDD into the government army after the latter had removed "its putschists and its criminals"; the creation of conditions for the return of refugees and displaced persons who have lived in camps, some of them for decades and others since the coup d'état of 21 October 1993; and the arrest of the "putschists", the assassins of President Ndadaye and all those who "committed crimes against humanity" before, during and after the coup d'état.

7. The President of the Republic has expressed his readiness to talk with Mr. Nyangoma on the condition that his armed bands renounce violence. The Prime

Minister, however, still refuses to meet with Mr. Nyangoma, whom he accuses of planning a genocide against the Tutsi population.

8. The latest upsurge of violence came just before the leaders of the 12 political parties which signed the convention on governance, together with the Parti pour le redressement national (PARENA) of former President Bagaza (which did not sign the convention) and a recently established party, l'Alliance des Vaillants, accepted the invitation of Mr. Nyerere, former President of the United Republic of Tanzania, to meet with him at Mwanza, United Republic of Tanzania, on 20 and 21 April 1996. CNDD was not invited. Those consultations were followed by a substantive meeting restricted to President Nyerere, the leaders of the two main parties (FRODEBU and the Union pour le progrès national (UPRONA)) and representatives of the President of the Republic and of the Prime Minister, which took place at Mwanza from 22 to 26 April.

9. On 26 April, the talks chaired by President Nyerere ended inconclusively. He had wanted to obtain from FRODEBU and UPRONA: (a) a commitment to condemn and renounce violence as a means of achieving or retaining political power; and (b) a commitment to the use of constitutional means for the achievement of political objectives. UPRONA's major objective was for the Mwanza meeting to condemn the perpetrators of violence and to agree on the dismantling of the capacity of such groups. FRODEBU, on the other hand, wanted the meeting to discuss the root causes of the violence in Burundi and to reach an agreement on a lasting solution to the conflict. The draft of a joint statement had been prepared by President Nyerere. The parties agreed to that part of it which condemned the violence and sought the support of the international community in ending the crisis. They could not, however, agree on some of the other issues in the draft and were therefore unable to sign the proposed statement. It was agreed that they and President Nyerere would meet again at Mwanza on 22 May. My Special Representative, Mr. Marc Faguy, the Special Envoy of the European Union, Mr. Aldo Ajello, and the Representative of OAU in Burundi, Mr. Léandre Bassolé, have been invited to attend.

10. On 16 April, the Government initiated internal discussions to prepare the national debate provided for in the convention on governance. The report of a preparatory technical commission, which had been made public on 30 December 1995 and which examined the modalities for convening the debate, was distributed amongst members of the Government. Many in Burundi believe that the debate is an appropriate mechanism for a wide-ranging political dialogue in which all tendencies could be represented. Others, however, consider that a public debate of this kind would be difficult to conduct in the security conditions which currently prevail in the country.

11. OAU has, meanwhile, extended by three months, until 13 July 1996, the mandate for its observer mission, notwithstanding the difficulties of OAU in financing this operation and the restrictions placed on its freedom of movement by the Burundian authorities.

12. On 25 April, the President of the Republic made an address to the nation, on which he had previously consulted the President of the National Assembly, the Prime Minister and other political leaders. In his message, he condemned the massacres of the civilian populations by CNDD, the Parti pour la libération du

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peuple hutu (PALIPEHUTU) and the Front de la libération nationale (FROLINA). He asked the United Nations to intensify the work of the Commission of Inquiry so that the truth could be rapidly established and relevant measures be taken. He announced that he had taken the initiative to create an independent national commission for human rights and enumerated other measures which he had taken to reform the State. On the military side, the army would be reinforced, reorganized and modernized; a national police would be trained and equipped so that it could be deployed in all the communes; a gendarmerie would be created to act in situations that exceeded the capacity of the national police; and the army would monitor the integrity of the borders and ensure the nation's sovereignty and independence, but would not undertake police functions. The territorial administration would be re-energized, reinforced and strengthened. The judicial system would be also reinforced.

13. The President urged the international community to prevent the infiltration of armed groups from neighbouring countries, to identify the flow of armaments which threatened the security and peace of the Great Lakes region, and to silence the incendiary messages broadcast by "Radio-Démocratie" (which is under the control of Mr. Nyangoma). While convinced that the Burundian conflict could be resolved only by the military, diplomatic and political efforts of the Burundians themselves, the President underlined the importance of the assistance that could be provided by the international community and in particular by Burundi's neighbours. He took the opportunity to encourage former President Nyerere to continue his efforts and assured him of his full support. He called for the establishment of a regional pact of non-aggression and collective security and of a regional monitoring centre on human rights and the prevention of genocide. He underlined the urgent need for a regional conference that would help stop the illegal flow of arms in the subregion.

14. In conclusion, the President reaffirmed that deep reform of the State was needed. The national debate, which would soon take place, would be the appropriate forum to discuss those reforms.

15. Despite the President's appeal for political dialogue violence has continued unabated. Attacks against FRODEBU members of the National Assembly are continuing. Following the murder on 20 April of a member from Cibitoke, another member narrowly survived an assassination attempt at Bujumbura on 26 April and a third, also from Cibitoke, was assassinated on 2 May. Meanwhile, UPRONA has resumed its attacks against the President of the Republic and made public its plan of action to resolve the crisis. This includes: use of the Mwanza meetings to obtain the condemnation and dismantling of the "integrist, genocidal militia which has put Burundi into mourning"; the putting in place of a system of civilian self-defence; the purging of the territorial and local administration; the militarization of the provinces that are in difficulty; and suspension of the academic year for three months in order to provide students with defence training.

III. CONSULTATIONS WITH MEMBER STATES AND THE ORGANIZATION OF AFRICAN UNITY

16. Pursuant to paragraph 13 of Security Council resolution 1049 (1996), I have continued my consultations with interested Member States and with OAU on contingency planning in relation to the situation in Burundi.

17. As far as political dialogue is concerned, all the Member States consulted expressed their support for the efforts of President Nyerere. They noted the need for a coordinated political effort and the undesirability of uncoordinated unilateral initiatives. It was also recognized that it was important that the United Nations should continue to cooperate with OAU and with the European Union, which had appointed Mr. Aldo Ajello as its Special Envoy for the Great Lakes Region.

18. Regarding a possible regional conference on peace, security and development in the Great Lakes region, the Member States consulted believed that the idea of a conference should be retained. My own view remains that all interested countries would have to agree to participate in the conference before concrete preparations for its convening could start. As has previously been established, two countries of the region remain reluctant to participate.

19. As regards broadcasts of "Radio Démocratie", the Member States consulted thought it important to silence them, though several said that they were not comparable with the Rwandan "Radio Mille Collines".

20. All of the Member States consulted indicated that they shared my concern about the situation in Burundi and agreed that the events in Rwanda of two years ago should not be allowed to recur. There was a consensus in favour of resolving the situation through peaceful means and political dialogue and, in particular, through the efforts of President Nyerere. Nevertheless, Member States expressed broad support for the idea that contingency planning should be undertaken for a humanitarian intervention in the event of a worst-case scenario, as outlined in my report of 15 February 1996 (S/1996/116). This aspect of the consultations is described in greater detail in section VIII below.

IV. HUMANITARIAN SITUATION

21. Since my last report, humanitarian activities in Burundi have continued to be adversely affected by an alarming rise in insecurity throughout the country. Recent attacks on an unprecedented scale by armed rebels, coupled with reprisals by government forces, have resulted in an increased case-load of displaced persons and refugees requiring relief both inside Burundi and in neighbouring countries. Serious economic dislocation now threatens the already fragile food security situation. This has seriously curtailed the operations of humanitarian relief agencies, forcing the temporary suspension of relief operations in some parts of the country.

22. According to assessments from the field, displaced persons now number more than 300,000 (such estimates are exceedingly difficult to make when there is

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lack of access to reliable sources of information and the figure given here is a conservative guess). In the week preceding the date of the present report, some 140,000 persons from Karuzi and Gitega provinces were forced from their homes because of heavy fighting in those areas. The number of Burundian refugees in eastern Zaire now exceeds 140,000. On 1 May, another 2,000 persons from Cibitoke province fled into Zaire after clashes erupted in the area. The United Republic of Tanzania is also host to an increasing number of refugees from Burundi; approximately 10,000 have moved into the country in 1996 and it is estimated that refugees are crossing the border at the rate of 100 per day. In addition to the Burundians leaving the country, as at 19 April 1996 a total of 90,606 Rwandan refugees were registered as requiring humanitarian assistance in Burundi.

23. This spate of violence has included grenade attacks and threats by extremists against several humanitarian agencies. Most humanitarian operations were suspended throughout the country from late December 1995 to January 1996. On 19 April, following a series of politically-inspired assassinations, all relief personnel were evacuated from the country's second largest city, Gitega. Throughout the interior, staff of relief agencies are advised to exercise extreme caution and to undertake only the most essential travel. In late April, the main highways to the north and south of Bujumbura were cut by ambushes and mines, isolating the capital from the rest of the country. The rising insecurity also extends to the capital, where the incidence of armed robberies and other violent crime against foreign personnel has also increased. At least 10 attacks against expatriates were reported during the week preceding the date of the present report.

24. The office of the Humanitarian Coordinator in Burundi provides a focal point for the emergency activities of United Nations agencies and, despite the deteriorating situation, has taken several initiatives in the dissemination of information, the promotion of inter-agency initiatives and the coordination of reintegration programmes for the victims of the conflict.

25. The current situation notwithstanding, United Nations agencies, together with non-governmental organizations and other humanitarian partners, are striving to provide food, essential medicines and non-food items to the internally displaced Burundians and to the refugee populations in neighbouring countries. Contingency planning has included the stockpiling of essential supplies to cope with any further deterioration in the situation. Measures have also been set in train to enhance United Nations communications and security arrangements and to implement an inter-agency contingency plan to protect the operations of the United Nations agencies and humanitarian partners.

26. One serious impediment to these efforts has been a continuing decline in the availability of resources for humanitarian programmes. This threatens the capacity of United Nations agencies to respond to Burundi's growing needs. The urgent requirements of the United Nations system are outlined in the United Nations consolidated fund-raising document for the Great Lakes region (1 January-31 December 1996), which was launched in February 1996. Air operations by the World Food Programme (WFP), essential in the current circumstances, are in jeopardy because of a lack of funding for the internal flight services used by the United Nations system throughout the country.

27. The intensified violence in March and April has dramatically increased the requirements for relief of displaced persons and refugees in and around Burundi. To address these needs, more support from the international community is urgently required. At this point, however, only a combination of additional resources and a radical improvement in the security situation will permit United Nations agencies and their humanitarian partners to reach the people in need and deliver the humanitarian assistance required. The humanitarian organizations are extremely worried by recent trends and fear that, in the absence of stronger commitments both to provide funding and to work for improved security, human suffering is likely to escalate to unprecedented levels in Burundi.

V. HUMAN RIGHTS

28. The first four observers deployed by the United Nations High Commissioner for Human Rights as part of the human rights fields operation in Burundi arrived at Bujumbura during the last two weeks of April. As a first step, they will develop a programme of activities which will constitute the basis for decisions regarding the deployment of additional observers. Governmental authorities have guaranteed their safety and promised full cooperation with the human rights mission.

VI. ECONOMIC AND SOCIAL ASPECTS

29. On 1 April 1996, the United Nations Development Programme (UNDP) approved an \$8 million project to assist Burundi in coping with the continuing civil strife and facilitating the transition to reconstruction and development. The project will target rehabilitation and humanitarian needs in the agricultural and health sectors, and provide support to community-based initiatives for reconstruction. Governance-related initiatives such as the promotion of dialogue and national reconciliation and education for peace and tolerance constitute an essential part of this specially tailored project. The expansion of UNDP assistance at this critical juncture is expected to contribute to both curative and preventive development by strengthening the moderate forces that seek stability and peace. The approval of the project is especially significant as a show of support at a time when international aid for Burundi is jeopardized by the protracted instability.

30. As for the World Bank, its project for Burundi cannot be implemented as quickly as possible because of the difficult security situation and limited knowledge within the country about how to implement a social fund. Sub-projects can nevertheless still be implemented. Seventeen have been completed since the Bank's last supervision mission in October 1995 and the Bank expects that between 40 and 50 of them can be implemented in 1996. The project team has begun working closely with non-governmental organizations and has lately signed 10 new agreements with them for specific sub-projects. The necessary steps will be taken to revise the manual of procedures and intensify efforts to sign agreements with the remaining non-governmental organizations to assist in sub-project implementation.

VII. A POSSIBLE UNITED NATIONS RADIO STATION IN BURUNDI

31. In accordance with paragraph 6 of resolution 1049 (1996), a technical mission of the Department of Political Affairs, the Department of Public Information and the Department of Peace-keeping Operations visited Burundi from 15 to 21 April to explore the possibility of establishing a United Nations radio station there. The mission had consultations, in cooperation with my Special Representative, with a wide spectrum of representatives of the Government, Radio/TV Burundi, the main political parties, other relevant groups of civil society and national and international non-governmental organizations. Meetings were also held with the OAU representative, members of the diplomatic community and United Nations agencies.

32. While recognizing the validity of the objectives specified in paragraph 6 of resolution 1049 (1996), the mission concluded that establishment of a United Nations radio station in Burundi was not a viable option at the present time nor would it be for the foreseeable future. On a purely technical level, installation of the necessary equipment was possible. The potential benefits of such an endeavour had, however, to be weighed against the risks. The technical feasibility of such a highly visible United Nations project could not be divorced from the current volatile situation in Burundi, which militated against undertaking it at this time.

33. The mission reported that radio programme content is where technical possibility confronts political reality. A United Nations radio station in Burundi on the scale required would involve language constraints and risks beyond the control of the Organization that would significantly reduce its chances of success. The United Nations, given its unique position, would not have even the limited margin for error or misperception enjoyed, to some extent, by non-governmental or other organizations currently involved in broadcasting there. Even a relatively minor error or distortion in a Kirundi-language broadcast by a United Nations station could appear to compromise the Organization's impartiality and reduce its scope for preventive action.

34. The necessity to broadcast in Kirundi was the critical factor. Some 90 per cent of the population speak Kirundi, while only 10 per cent are fluent in French. Accuracy and strict editorial control of Kirundi-language programmes would be essential. The pool of experienced Kirundi-speaking broadcasting personnel is limited, and the few independent radio production and broadcast operations already in existence face difficulties in achieving the desired level of programming in Kirundi. The need to recruit and/or train Kirundi-speaking staff would add significantly to the lead-time for a United Nations radio station to become fully operational. A United Nations radio operation could, at the same time, add to the pressure on local initiatives by further increasing competition for the most talented personnel.

35. The mission advised that the international community should avoid the temptation to view radio broadcasting by the United Nations or anyone else as a "quick fix" that could radically transform the political climate in Burundi. The power of radio to do harm in the region had been amply demonstrated but the extent to which it could change attitudes and sow peace was less clear.

36. On the procedural side, government officials, including the Minister for Communication and the Minister for External Relations and Cooperation, expressed support, in principle, for a United Nations radio station. The United Nations would none the less be subject to the existing national regulations and procedures for securing a broadcasting licence and frequencies. The difficulties encountered in recent United Nations efforts to obtain the requisite permission and facilities from national authorities, notably in Angola, Croatia and Rwanda, were indicative of what could be expected in Burundi.

37. All the diplomatic representatives consulted by the mission took the view, on political and practical grounds, that it would be better for the United Nations to work with existing radio production and broadcasting operations in Burundi, rather than establish its own station. They were pessimistic about the prospects for donor funding of a United Nations radio station in the face of other priorities.

38. The mission concluded that rather than establishing an independent United Nations radio station, alternative measures might be taken to address the concerns expressed in paragraph 6 of resolution 1049 (1996). The Office of the Special Representative of the Secretary-General might be strengthened through the addition of one or two specialists in public information, who would be responsible for developing co-productions with existing radio operations serving Burundi and for liaison with public information personnel of United Nations and other agencies, as appropriate. Development of radio programming consistent with the objectives set out in resolution 1049 (1996) would be the immediate focus of such efforts. Extrabudgetary sources of funding would be required but in a considerably lesser quantity than for a new United Nations station.

39. Burundi-based radio operations could be the United Nations implementing partners for producing and distributing radio reports and features on United Nations themes, activities and issues, under the guidance of United Nations staff. In this regard, maximum support would be given to partnership with those initiatives which aim specifically at responding to the desire of the Burundian people for impartial and more diversified media, and for higher professional and ethical standards and practices.

40. The mission further recommended that Member States should be encouraged to support intensive and sustained efforts to develop a broad-based and independent media in Burundi as an essential complement to diplomatic, humanitarian, human rights and development efforts already under way. While such an approach was unlikely to produce dramatic results in the near term, an emphasis on short-term measures to the exclusion of such capacity-building would be only a palliative.

41. Should the Security Council nevertheless call for the establishment of a United Nations radio station in Burundi, the following technical factors would need to be taken into account. Some 90 per cent of the area targeted could be covered by five FM transmitters placed in Bujumbura and at sites around the country. The best coverage would be achieved by co-locating United Nations transmitters with existing Radio/TV Burundi transmitters in the interior. Agreements governing the use of the sites and services to be provided, including

power supply and security, would have to be negotiated with the relevant national authorities.

42. Initial equipment costs are estimated at approximately \$300,000 including transmitters, signal processing equipment and the outfitting of a broadcast studio and a production suite. The operating budget, including staffing, communications, transport, rental of premises and administrative support, could be estimated only when the level of programming had been determined. A United Nations radio station would have to equal or surpass broadcast schedules of other local independent radio stations and sustain this level in order to build a dedicated audience. It is worth noting that Radio UNTAC was considered most effective when it achieved 15 hours of broadcasting daily. A proposal recently developed by the Secretariat for a possible successor to Radio UNAMIR estimated that a minimum of 4 international and some 30 local staff would be needed at an annual cost of some \$2 million. A United Nations radio station in Burundi would require at least a similar level of staffing.

VIII. OBSERVATIONS

43. There has been a marked deterioration in the security situation in Burundi since early March. The United Nations has limited capacity to observe what is happening on the ground and the military observer mission of OAU is handicapped by government restrictions on its freedom of movement. But persistent reports indicate a downward spiral of violence. Extremist Hutu rebels, apparently infiltrated from Zaire, undertake murderous hit-and-run attacks against government targets and against Tutsi and moderate Hutu civilians. The armed forces, frustrated by the difficulty of preventing these attacks against their own people, sometimes exact reprisals against Hutu civilians in the areas where attacks have taken place, thus reinforcing the propaganda of those who control the extremists.

44. This vicious circle can be broken only if the moderates on both sides work together to create a genuine and effective coalition Government, with a common vision of their country's future and of how to cure its current ills. This is the objective that President Nyerere is trying to achieve, with the full support of the United Nations, OAU and the European Union. On my instructions, the Under-Secretary-General for Political Affairs, during his brief visit to Burundi, emphasized to all his interlocutors my support for President Nyerere, my conviction that there could be no military solution and that a political settlement had to be sought through negotiation, and the need for urgent action if the country was not to be overwhelmed by uncontrolled violence. I reaffirmed these points in personal letters which I sent to President Ntibantunganya and Prime Minister Nduwayo by hand of my Special Representative after my meeting with him in Nairobi on 30 April.

45. Meanwhile, I endorse the conclusions of the technical mission on the establishment of a United Nations radio station in Burundi, which have been summarized in the previous section of the present report, and I have instructed that a plan be prepared urgently on the basis of the alternative proposal recommended by the mission.

46. In these disturbing circumstances, I remain convinced of the necessity for the international community to proceed with contingency planning for a possible military intervention to save lives if disaster should strike Burundi and lead to large-scale killing of civilians. The Under-Secretary-General took advantage of his presence in Burundi to clarify my ideas, which had been widely misunderstood and perhaps misrepresented there. He emphasized that I did not have in mind a military intervention with any political purpose; the objective would be exclusively the humanitarian one of saving civilian lives. The difficulties of such an operation were obvious; but if the worst happened, Member States might find that they had no alternative but to deploy a multinational force authorized by the Security Council under Chapter VII of the Charter of the United Nations; it was therefore sensible for them to do some preliminary planning. Such planning did not, of course, preclude planning for a United Nations peace-keeping operation under Chapter VI if the Burundian parties should reach a political agreement and seek the United Nations help in implementing it. But the contingency I envisaged was a humanitarian disaster requiring an emergency deployment which would be beyond the capacity of the United Nations and would therefore require a multinational force.

47. The consultations which I have undertaken pursuant to paragraph 13 of resolution 1049 (1996) have been wide-ranging and intensive. I have approached, amongst others, the permanent members of the Security Council, major troop-contributing countries and interested States from both the region and other parts of the world.

48. These consultations have revealed that the sense of urgency that the situation in Burundi has aroused in me is widely shared. A significant level of agreement as to the seriousness of the situation and the need for action, including perhaps rapid action, to prevent further deterioration has also been evident. One measure that the Secretariat has been urged to take, and which is within its capacity, is to draw up plans for a possible peace-keeping operation under Chapter VI of the Charter to be deployed in the event of a political agreement reached by the parties. Preparations for the planning of such an operation are already under way though, regrettably, the political conditions that would permit its implementation are not at this point in sight.

49. Member States have agreed that contingency planning for other eventualities, including a worst-case scenario, should also proceed. A number of countries have expressed a readiness in principle to consider providing troops in the circumstances envisaged. But they have also made it clear that they would not do so unless certain conditions were fulfilled, including: broad-based participation in a truly multinational force, which should not be confined to units from a single region; leadership, both in the planning and in the conduct of the operation, by one or more Member States which have the necessary capacity for, and experience of, rapid deployment in such circumstances; and assistance in the fields of finance, equipment and logistic support.

50. Other Member States have expressed a readiness in principle to consider providing such assistance but none of them has yet volunteered to take the lead in planning, deploying and commanding the operation. In this context, the need

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for further consultations to proceed in a discreet and confidential manner has been stressed.

51. It therefore seems necessary now to bring together the various Member States that have individually indicated to the Secretariat their possible interest in contributing to an operation of this kind in one way or another. In view of the urgency of the need in Burundi, I have decided to use my good offices to facilitate consultations of this kind among the Member States concerned, on the understanding that planning for a multinational force is beyond the capacity of the United Nations Secretariat and should, as in the past, be carried out by the Member State or States taking the lead in the operation.

52. Meanwhile, I seek the Security Council's support for this endeavour. It is essential for the international community to demonstrate to all parties in Burundi that it has the political will and the capacity to take timely and effective action to avert another tragedy in the Great Lakes region.



Security Council

Distr.
GENERAL

S/1996/336
8 May 1996

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming its resolution 696 (1991) of 30 May 1991 and all subsequent relevant resolutions,

Having considered the report of the Secretary-General dated 30 April 1996 (S/1996/328),

Reaffirming its commitment to preserve the unity and territorial integrity of Angola,

Reiterating the importance it attaches to the full and timely implementation by the Government of Angola and União Nacional para a Independência Total de Angola (UNITA) of the "Acordos de Paz" (S/22609, annex), the Lusaka Protocol (S/1994/1441, annex) and relevant Security Council resolutions,

Recognizing that although some progress has been made towards consolidating the peace process, the overall pace has been disappointingly slow,

Noting with concern the repeated delays in the implementation of successive timetables agreed to by the two parties, in particular the quartering of UNITA troops and the completion of talks on military issues regarding the integration of the armed forces,

Taking note that five months have elapsed since the first UNITA troops arrived in quartering areas and expressing concern that prolonging the stay of troops in quartering areas puts strains on United Nations resources and on discipline within UNITA ranks,

Noting the agreement reached between the President of Angola and the Chairman of UNITA in Libreville, Gabon, on 1 March 1996 (S/1996/175, annex) on the formation of the unified armed forces by June 1996 as well as the establishment of the Government of National Unity and Reconciliation between June and July 1996,

Recalling its resolution 976 (1995) of 8 February 1995 which stated, inter alia, the expectation that the United Nations Angola Verification Mission (UNAVEM III) would complete its mission by February 1997,

Emphasizing the need for adequate security for all United Nations and other international personnel and awaiting the results of the investigation of the deaths on 3 April 1996 of two UNAVEM III military observers and a humanitarian assistance official,

Underlining the need for respect for human rights and urging the Angolan parties to give greater attention to preventing and investigating incidents of human rights abuse,

Expressing concern at the extensive presence of landmines throughout Angola and emphasizing the need for the political will to speed up demining efforts to enable the free circulation of people and goods and to restore public confidence,

Stressing the importance of the demilitarization of Angolan society, including the disarmament of the civilian population and the demobilization and social reintegration of ex-combatants,

Reiterating the importance of reconstruction and rehabilitation of the Angolan national economy and its vital contribution to a durable peace,

Welcoming the efforts by Member States, in particular the three observer States to the Angolan peace process, the Organization of African Unity, and the international community as a whole to promote peace and security in Angola,

1. Welcomes the report of the Secretary-General dated 30 April 1996;
2. Decides to extend the mandate of UNAVEM III until 11 July 1996;
3. Expresses profound regret at the overall slow pace of implementation of the peace process which is far behind schedule;
4. Notes with deep concern the failure of UNITA to complete the quartering of all its troops by 8 May 1996 in accordance with resolution 1045 (1996) of 8 February 1996;
5. Reiterates that quartering and disarming of UNITA troops are crucial components of the peace process which are fundamental to its success and stresses that further procrastination cannot be justified and, if continued, could bring about the collapse of the whole peace process;
6. Notes the recent progress in the quartering of UNITA troops and calls upon UNITA to fulfil by June 1996 its obligation to complete the credible, uninterrupted and fully verifiable quartering of its troops and to turn over to UNAVEM III all arms, ammunition and military equipment;

7. Calls upon UNITA to release unconditionally and without further delay all remaining prisoners in accordance with its obligations under the Lusaka Protocol;

8. Underlines the importance of completion of the talks on military issues regarding the integration of UNITA troops into the Angolan Armed Forces (FAA) and formation of a joint military command and urges the two parties to resolve the remaining issues by 15 May 1996, as agreed in the Joint Commission calendar of actions for May;

9. Welcomes the proclamation by the National Assembly of Angola of amnesty arrangements, as agreed in Libreville, for offences resulting from the Angolan conflict, in order to facilitate the formation of a joint military command;

10. Urges the Government of Angola and UNITA to abide strictly by their obligations under the Lusaka Protocol as well as the commitments entered into in Libreville, Gabon, on 1 March 1996, including the selection of UNITA troops for incorporation into the FAA and the completion of the formation of the unified armed forces by June 1996;

11. Urges also the Government of Angola and UNITA to take all necessary steps for UNITA deputies to take their places in the National Assembly, for the beginning of the controlled movement of UNITA troops out of quartering areas in accordance with the provisions of the Lusaka Protocol, for the incorporation of UNITA personnel into the State administration, the FAA and the national police, for the orderly transition of demobilized troops to civilian life, for moving constitutional issues forward in a spirit of national reconciliation, and for the formation of the Government of Unity and National Reconciliation by July 1996;

12. Encourages the President of Angola and the Chairman of UNITA to meet at the earliest opportunity within Angola to resolve all remaining issues;

13. Welcomes the progress made by the Government of Angola in quartering the rapid reaction police;

14. Urges the Government of Angola to continue to pull back its forces from areas near UNITA quartering sites and to complete the return of the rapid reaction police to barracks under UNAVEM III monitoring in accordance with the provisions of the Lusaka Protocol;

15. Notes the intention of the Joint Commission to study the plan for the disarmament of the civilian population and urges the parties to begin its implementation without delay;

16. Reminds the Government of Angola and UNITA of their obligation to cease the dissemination of hostile propaganda;

17. Calls upon the Government of Angola to provide the requisite facilities for the establishment of an independent United Nations radio;

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18. Also calls upon the Government of Angola and UNITA to signal their commitment to peace by destroying their stockpiles of landmines and to begin this process through joint public action;

19. Reaffirms the obligation of all States to implement fully the provisions of paragraph 19 of resolution 864 (1993) of 15 September 1993 and reiterates that continuing acquisition of weapons would be contrary to paragraph 12 of resolution 976 (1995) of 8 February 1995 and undermine confidence in the peace process;

20. Notes with concern reports that UNITA has impeded, on occasion, the work of UNAVEM III and reminds the parties, in particular UNITA, to extend full cooperation to UNAVEM III and the Joint Commission at all levels;

21. Demands that all parties and others concerned in Angola take all necessary measures to ensure the safety of United Nations and international personnel and premises and guarantee the safety and freedom of movement of humanitarian supplies throughout the country;

22. Commends the Joint Commission and the Armed Conflict Prevention Group for the positive role they continue to play in support of the implementation of the Lusaka Protocol;

23. Commends also the efforts of the Secretary-General, his Special Representative and the personnel of UNAVEM III to facilitate the implementation of the Lusaka Protocol;

24. Urges Member States to provide the assistance necessary to facilitate the demobilization and social reintegration of ex-combatants;

25. Urges also the international community to continue to provide the assistance necessary to facilitate the rehabilitation and reconstruction of the Angolan national economy, provided that the two parties meet their obligations under the Lusaka Protocol;

26. Requests the Secretary-General to report by 1 July 1996 on the progress made toward meeting the goals and timetable agreed between the two parties, and to keep the Council fully informed on a regular basis on developments in the situation on the ground, in particular by providing a comprehensive briefing by 17 May 1996 on whether the two parties have fulfilled the tasks they have specified in the Joint Commission calendar of actions for May to be carried out by 15 May 1996;

27. Declares that it will place special emphasis, during its future discussion of the mandate of UNAVEM III, on the progress demonstrated by the parties;

28. Reiterates its readiness, in light of recommendations by the Secretary-General and the state of affairs in Angola, to consider any further measures;

29. Decides to remain actively seized of the matter.



Security Council

Distr.
GENERALS/1996/337
7 May 1996

ORIGINAL: ENGLISH

LETTER DATED 7 MAY 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to members of the Security Council the report submitted to me by my Military Adviser, Major-General Franklin van Kappen, following his mission to Lebanon and Israel. My decision to send the mission was taken in the light of the tragic events that took place at Qana on 18 April 1996, in which more than 100 Lebanese civilians were killed in the headquarters of the Fijian battalion of the United Nations Interim Force in Lebanon (UNIFIL).

Members of the Council will note that the mission sought to establish, to the extent possible, the facts surrounding those events. General van Kappen had extensive discussions with UNIFIL commanders, Lebanese and Israeli authorities, and eyewitnesses. As indicated in the report, while the possibility cannot be ruled out completely, the pattern of impacts in the Qana area makes it unlikely that the shelling of the United Nations compound was the result of technical and/or procedural errors. For their part, the Israel Defence Forces maintain that the incident was due to a sequence of operational mistakes and technical failures, compounded by chance.

I view with utmost gravity the shelling of the Fijian position, as I would hostilities directed against any United Nations peace-keeping position. But this incident is all the more serious because civilians, including women and children, had sought refuge in the United Nations compound at Qana.

I welcome the cease-fire agreement announced on 26 April 1996, and it is my earnest hope that the restoration of calm in the area will enhance the prospects for negotiations leading to a comprehensive peace settlement which would preclude further tragic events. In the meantime, I have instructed the Force Commander of UNIFIL, Major-General Stanislaw Wozniak, to enhance cooperation with the Government of Lebanon and the Lebanese Armed Forces in maintaining peace and stability in UNIFIL's area of operation. I have also given instructions for arrangements to be worked out with the Israeli authorities to see to it that United Nations positions in Lebanon are not fired upon in the future.



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It remains of the greatest importance that the parties to this conflict should ensure that innocent civilians do not become victims of the hostilities.

In view of the seriousness of the events at Qana, I have decided to transmit the report to the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Report dated 1 May 1996 of the Secretary-General's Military
Adviser concerning the shelling of the United Nations
compound at Qana on 18 April 1996

Introduction

1. On 18 April 1996, shortly after 1400 hours local time, the headquarters compound of the Fijian battalion of the United Nations Interim Force in Lebanon (UNIFIL) came under fire by Israeli artillery. At the time, more than 800 Lebanese had sought refuge inside the compound, which is located in the village of Qana. An estimated 100 persons were killed and a larger number wounded. Four United Nations soldiers were wounded. There was extensive damage.
2. The same day, you directed that I travel to the area to investigate the incident and to identify steps that could be taken to prevent a recurrence.
3. I left New York on the evening of 18 April and arrived on 20 April at UNIFIL headquarters at Naqoura, where I was briefed by Major-General Stanislaw Wozniak, UNIFIL Force Commander, and his staff. I was accompanied by Lieutenant-Colonel Geoffrey Dodds of my staff and assisted in the field by two UNIFIL officers with expertise in artillery and ordnance.
4. My team and I visited the United Nations compound at Qana several times, met with the commanding officer of the Fijian battalion and interviewed eyewitnesses to the attack. These included members of the Fijian battalion, members of the Force Mobile Reserve, Lebanese army officers and others. A detailed survey of the area was carried out. In Beirut, I met with the Minister of Defence of Lebanon, Mr. Mohsen Dalloul, and with the commander of the Lebanese Army, General Emile Lahoud (both on 22 April).
5. I held three meetings with representatives of the Israel Defence Forces: first, with the Deputy Chief of General Staff, Major-General Matnan Vilnai (21 April), and later with the Chief of General Staff, Lieutenant-General Amnon Shahak (25 April), and with the commander of the Northern Command, Major-General Amiram Levine (25 April). In addition, I visited the Israeli artillery battalion that had carried out the shelling (21 April).

Israeli account of events

6. On 21 April, I met with Major-General Vilnai at Tel Aviv and visited the artillery battalion. On both occasions, the Director of Israeli artillery, Brigadier-General Dan Harel, was also present. He, I was told, had investigated the shelling incident. The Israeli officers gave the following account of the incident:

(a) In the early afternoon of 18 April, an Israeli patrol had come under fire emanating from Qana. The precise location of the patrol was not given, except that it was close to the "red line", which is a line on Israeli maps that

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marks the northern edge of the Israeli-controlled area in southern Lebanon. Mortar shells had fallen as close as 40 metres to the patrol, which had requested assistance. The Israeli forces had initiated rescue fire procedures.

(b) At 1352 and 1358 hours, respectively, Israeli locating radar had identified two separate targets in Qana from where fire had originated. The first target was located 200 metres or so south-west of the United Nations compound. The second target was located some 350 metres south-east of the compound. The data had been sent automatically to the Northern Command and to an artillery battalion located on the Israel-Lebanon border, about 12 kilometres from the sea. The battalion comprises three batteries with four guns each. It is equipped with M-109A2 guns (155-millimetre calibre). When the battalion received the data, it checked the targets on a map and found that one of the two locations was between 200 to 300 metres from the United Nations position at Qana. The commanding officer had therefore sought instructions from Northern Command, which rechecked the data and gave permission to fire. This decision had not been taken lightly; officers of some seniority had been involved.

(c) When the order to fire came, the first target had been engaged by one battery, using all four guns. Thirty-eight shells (high-explosive) had been fired, about two thirds with impact fuses and one third with proximity fuses. (Proximity fuses cause a round to explode in the air above the target; they are often used for anti-personnel fire.) The two types of fuses had been employed in random order. Convergence fire had been used so that the impacts would be concentrated in the target area. Regrettably, a few rounds had overshoot and hit the United Nations compound.

(d) The commanding officer of the artillery battalion had no satisfactory explanation why so many shells had fallen some 200 metres north of the intended target (see the attached sketch). Asked if he had shifted fire during the shelling, he said he had not; he added that the mission had taken only three to four minutes (the time given by the Israeli forces was from 1407 to 1412 hours) and there would have been no time to change target data.

(e) We questioned the commanding officer about the procedures employed in the firing. His replies indicated a high professional standard.

(f) The second target had been engaged by another battery located in the same position. It had fired 40 rounds, from 1411 to 1417 hours.

(g) In response to repeated questions, the Israeli interlocutors stated that there had been no Israeli aircraft, helicopters or remotely piloted vehicles (RPV) in the air over Qana before, during or after the shelling. (These would have enabled the Israeli forces to observe the target area and adjust their fire.) However, at my request, General Vilnai promised on 21 April to look into this question again. On 26 April, Brigadier-General David Tzur, Chief Israeli Liaison Officer to Foreign Forces, confirmed in writing that there were "no choppers or Mini-RPVs flying above the area of Qana on 18 April, before or during the incident".

7. The Israeli officers stated that the Israeli forces were not aware at the time of the shelling that a large number of Lebanese civilians had taken refuge

in the Qana compound. I did not pursue this question since I considered it irrelevant because the United Nations compound was not a legitimate target, whether or not civilians were in it.

8. The Israeli officers emphasized that it was not Israeli policy to target civilians or the United Nations. On the contrary, the Israeli forces had made every effort to avoid the loss of innocent lives. The incident at Qana was therefore all the more deeply regretted.

Events prior to the shelling

9. My team and I questioned a number of witnesses on the activities of Hezbollah fighters in Qana prior to the incident. The following was found:

(a) Between 1200 and 1400 hours on 18 April, Hezbollah fighters fired two or three rockets from a location 350 metres south-east of the United Nations compound. The location was identified on the ground.

(b) Between 1230 and 1300 hours, they fired four or five rockets from a location 600 metres south-east of the compound. The location was identified on the ground.

(c) About 15 minutes before the shelling, they fired between five and eight rounds of 120 millimetre mortar from a location 220 metres south-west of the centre of the compound. The location was identified on the ground. According to witnesses, the mortar was installed there between 1100 and 1200 hours that day, but no action was taken by UNIFIL personnel to remove it. (On 15 April, a Fijian had been shot in the chest as he tried to prevent Hezbollah fighters from firing rockets.)

(d) The United Nations compound at Qana had taken in a large number of Lebanese seeking shelter from Israeli bombardments. By Sunday, 14 April, 745 persons were in the compound. On 18 April, the day of the shelling, their number is estimated to have been well over 800. When the Fijian soldiers heard the mortar being fired not far from their compound, they began immediately to move as many of the civilians as possible into shelters so that they would be protected from any Israeli retaliation.

(e) At some point (it is not completely clear whether before or after the shelling), two or three Hezbollah fighters entered the United Nations compound, where their families were.

Survey of impact area

10. The technical survey of the impacts of the Israeli shells yielded the following information:

(a) Thirty-six impacts were found in the Qana area. Shell fragments of 155-millimetre calibre were found throughout the United Nations compound. The

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distribution of the impacts was uneven; there were two distinct areas where the impacts were concentrated and two "stray" impacts.

(b) The first concentration of impacts was centred about 100 metres to the south of the United Nations compound, on a group of houses some 75 metres north-west of the mortar firing point. In all, 17 shells (16 with impact fuses, 1 with proximity fuse) landed south of the United Nations compound.

(c) The second concentration of impacts was centred on the middle of the United Nations compound. Given the number and state of the casualties and the destruction caused by the shelling, a major clean-up operation had to be launched immediately after the end of the shelling. This resulted in the loss of important evidence. However, there was substantial evidence of multiple proximity-fused artillery ammunition detonating directly above the compound, covering a large portion of its area. While the exact number cannot be determined, the available evidence suggests that eight such projectiles detonated over the compound and one just outside it. There was also evidence that five high-explosive point-detonating projectiles detonated in the compound and three close to it. In sum, evidence was found of 13 detonations inside or directly above the compound and 4 very close to it.

(d) Almost all the proximity fuses were used in the area of the United Nations compound.

(e) Despite an extensive aerial and ground search, no impacts were found at the second target area identified by the Israeli forces (350 metres south-south-east of the United Nations compound), although evidence was found that rockets had been launched from a site nearby.

11. Several witnesses reported that during the shelling there had been a perceptible shift in the weight of fire from an area south-west of the compound (the mortar site) to the compound itself.

12. Several witnesses stated that they saw an RPV over the Qana area before, during and after the shelling. Two helicopters were seen 2 kilometres south-east of the United Nations compound during the shelling and one was observed close to the compound after the shelling had finished. The presence of one helicopter and an RPV was documented on a video tape, which covers the latter part of the shelling. It was taken by a member of the Force Mobile Reserve from a position overlooking the United Nations compound at Qana from a distance of about 1.5 kilometres. The RPV on the tape was of a type with a real-time data link capability.

Findings

13. The following are my findings:

(a) The distribution of impacts at Qana shows two distinct concentrations, whose mean points of impact are about 140 metres apart. If the guns were converged, as stated by the Israeli forces, there should have been only one main point of impact.

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(b) The pattern of impacts is inconsistent with a normal overshooting of the declared target (the mortar site) by a few rounds, as suggested by the Israeli forces.

(c) During the shelling, there was a perceptible shift in the weight of fire from the mortar site to the United Nations compound.

(d) The distribution of point impact detonations and air bursts makes it improbable that impact fuses and proximity fuses were employed in random order, as stated by the Israeli forces.

(e) There were no impacts in the second target area which the Israeli forces claim to have shelled.

(f) Contrary to repeated denials, two Israeli helicopters and a remotely piloted vehicle were present in the Qana area at the time of the shelling.

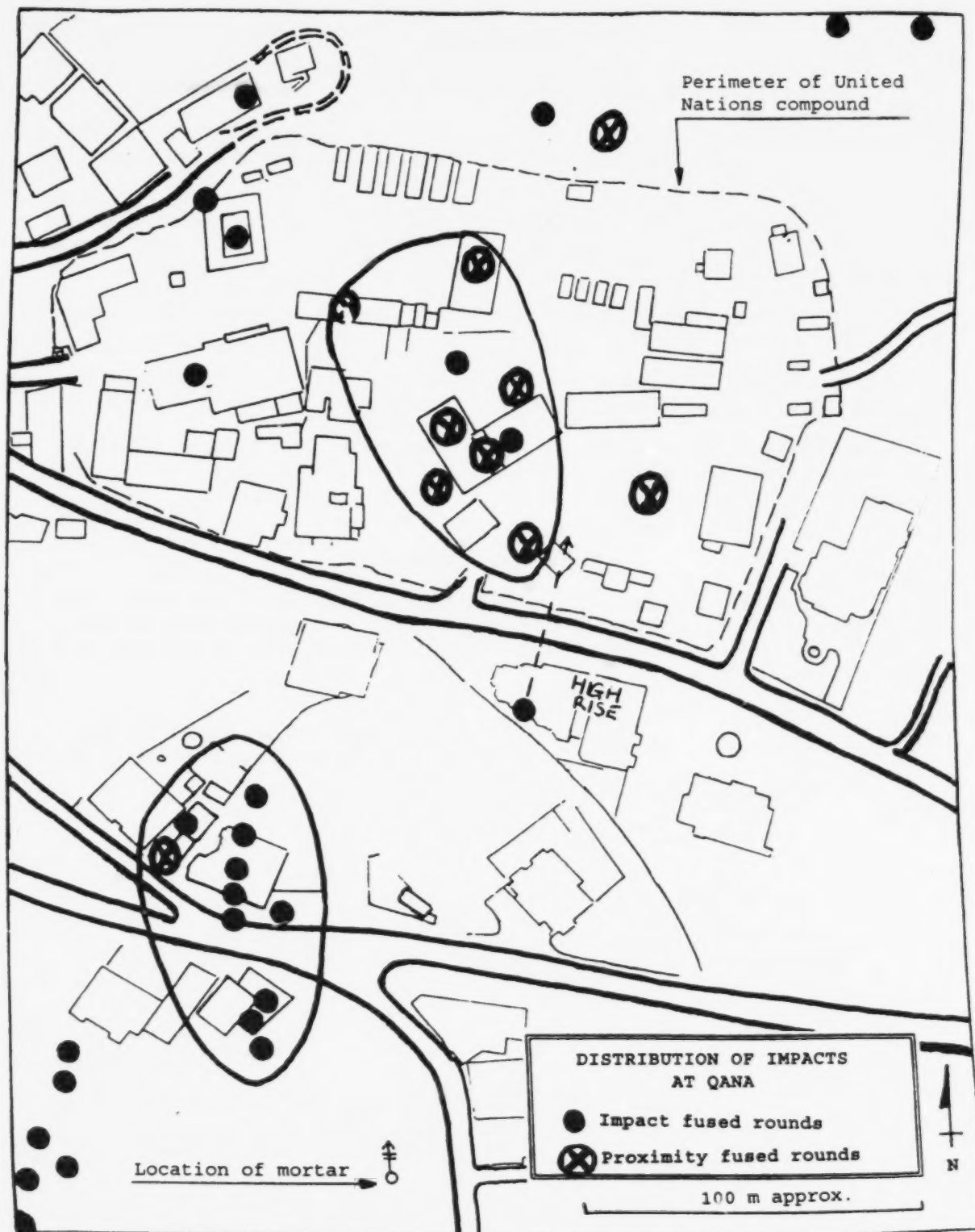
While the possibility cannot be ruled out completely, it is unlikely that the shelling of the United Nations compound was the result of gross technical and/or procedural errors.

Preventing a recurrence

14. On 19 April, General Levine informed General Wozniak of new precautions adopted by the Israeli forces with regard to firing at targets near United Nations positions. I recommend that these measures be reviewed and confirmed at the political level.

(Signed) Franklin VAN KAPPEN
Major-General, Military Adviser

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Addendum dated 7 May 1996 to the report of the Secretary-General's
Military Adviser concerning the Qana shelling

1. In view of the findings outlined in my report of 1 May, Ambassador David Peleg, Chargé d'affaires of the Permanent Mission of Israel, was invited to Headquarters on 2 May. In the presence of Mr. Kofi Annan I asked him for additional comments on two questions: the absence of any impacts from the second battery in the target area given; and the presence of helicopters and an RPV in the Qana area at the time of the shelling. Mr. Peleg was shown the videotape mentioned in paragraph 12 of my report.

2. On 6 May, Ambassador Peleg visited Headquarters together with Brigadier-General Dan Harel, Director of artillery of the Israel Defence Forces, and other officials. General Harel related the findings of an Israeli investigation which, he said, had been completed only the day before. He explained that, in their eagerness to cooperate with the United Nations, the Israeli forces had given me information during my visit before their own investigation was completed. Some of this information had turned out to be wrong. General Harel provided the following additions and corrections:

(a) Two errors had been discovered in the checking by Northern Command of the distance of the targets from the United Nations compound (see para. 6 (b) of my report). First, the compound had been marked by a pin on a map (scale 1:20,000) about 100 metres north of its actual location. Secondly, in calculating the distance, the space covered by the compound had not been taken into account. As a result, the distance between the target and the compound (i.e., the edge of the compound - FVK) had been estimated at about 350 metres rather than the actual 180.

(b) The fuse mix ratio had been the reverse of what I was told, namely, two thirds proximity fuses and one third impact fuses rather than the other way around.

(c) The second battery had missed the second target completely. General Harel showed me an aerial photograph on which a group of seven impacts was marked about 150 metres west of the rocket site (180 metres south of the mortar site). General Harel could not explain why the second battery missed its target; the data provided to the battery had been correct.

(d) General Harel could not explain why there were in Qana two distinct impact concentrations with main impact points 140 metres apart.

(e) It was now known that an RPV had in fact been operated over southern Lebanon. However, it had moved between the area of Kafra/Yatar and the coast and had been in the Yatar area at the time of the shelling. It had been dispatched to Qana only at 1418 hours, that is, after the shelling ended, and arrived at its destination at 1431 hours. He pointed out that RPVs have a narrow field of view so that the presence of an RPV in the vicinity of Qana did not mean that Qana itself could be observed.

(f) Two helicopters had been sent north of the "red line" (see para. 6 (a)) after the Israeli patrol came under attack in order to locate and attack the sources of fire. However, they could not find the target and left the area. General Harel did not know the route taken by the helicopters or whether they had overflown Qana. He would have to look into this.

(g) General Harel stressed that the Israeli forces were under strict instructions not to target the United Nations. Therefore, the shelling of the Qana compound could only be the result of a combination of technical and procedural errors and chance.

3. It will be noted that the additional explanations provided by General Harel address the question why the Israeli forces fired at a target close to a United Nations compound. They do not address the first four of my findings. I also note that the Israeli forces have not yet provided details concerning the presence of helicopters in the Qana area, a question I first raised on 21 April. As I stated in my report, it is unlikely that gross technical and/or procedural errors led to the shelling of the United Nations compound. However, it cannot be ruled out completely.

(Signed) Franklin VAN KAPPEN
Major-General, Military Adviser



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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the members of the Security Council the attached communication, dated 2 May 1996, which he has received from the Acting Director General of the International Atomic Energy Agency (IAEA) on behalf of the Director General, Dr. Hans Blix.

Annex

Letter dated 3 May 1996 from the Acting Director General
of the International Atomic Energy Agency addressed to
the Secretary-General

In my letter to you of 10 October 1995 (S/1995/860, annex), I referred, inter alia, to my then most recent report (GOV/2687/Add.10 of 6 March 1995) to the Agency's Board of Governors, to developments which had taken place since March 1995 over safeguards implementation in the Democratic People's Republic of Korea, to my report about that country to the thirty-ninth regular session of the General Conference of the International Atomic Energy Agency (IAEA) (GC(39)/18 of 17 August 1995) and to the action subsequently taken by the Conference and the Board of Governors meeting after the Conference. I asked you to bring the documents enclosed with my letter, and the letter itself, to the attention of the Security Council. I now enclose a copy of my most recent, written report (GOV/2687/Add.11 of 6 March 1996) to the Board. It might be helpful to you also to have the following background to and summary of key issues arising from it.

As you may recall, my letter to you of 10 October 1995 and enclosures referred, inter alia, to verification measures being implemented at nuclear facilities in the DPRK (whether or not covered by the freeze on that country's graphite-moderated reactors and related facilities foreseen in the Agreed Framework between the DPRK and the United States of America) and gave an account of the technical talks which had taken place between DPRK representatives and an Agency technical team from 12 to 18 September 1995. In that regard, I mentioned in particular that, although the DPRK had agreed to Agency measurements of irradiated fuel rods in storage at the 5 MW(e) Experimental Reactor (which would verify whether the rods were all irradiated fuel rods), it had not agreed to measurements that would give information about the total amount of plutonium in the spent fuel. This information would therefore have to be obtained, at a later date, with consequent limitations in accuracy. I pointed out that the Agency had originally envisaged taking such measurements during the transfer of the spent fuel into containers for storage and that taking them later would likely involve significant additional cost.

I said also that no agreement had been reached with the DPRK about the installation of Agency monitoring equipment at nuclear waste tanks in the DPRK's Reprocessing Plant. Such installation is required in addition to previously installed containment and surveillance equipment in order to enable the Agency to verify, on a continuous basis, that there is no movement or any operation involving these wastes. Such activities are relevant to the monitoring of the freeze, a task entrusted to IAEA upon request of the Security Council.

In my letter of 10 October I further noted that the technical talks in September 1995 had appeared to foreshadow the early implementation of other measures which, although previously agreed between representatives of the Agency and DPRK representatives, had not been applied because of objections by the operator, e.g., photographing of the new process line in the DPRK's reprocessing plant. Moreover, my letter referred to a detailed technical paper, which was

given to the DPRK at the outset of the September talks, about the preservation of information which the Agency needs for verifying the correctness and completeness of the DPRK's initial declaration. That technical paper was not discussed at those talks; the DPRK, as I reported to you, had declared its willingness to discuss the paper only at a later date.

At the meeting of the Agency's Board of Governors on 12 December 1995, I reported developments relating to the issues identified in the preceding paragraphs. In this connection, I said that in September 1995, the Agency had asked the DPRK to undertake minor but essential modifications to the design of the storage racks for the cans to contain spent fuel discharged from its Experimental Reactor. This was to enable those cans to be sealed effectively in the racks under water. I noted that the modifications requested would not bring about any delay in the canning operations, but that in any case the timetable for those operations appeared to have slipped because of technical difficulties. I also said that notwithstanding the agreement reached with the DPRK about photographing the new process line and other areas of the Radiochemical Laboratory, this had still not been possible because of fresh objections by DPRK operators. The Agency technical paper about the preservation of information required to verify the correctness and completeness of the DPRK's initial declaration, was also on the agenda for the next technical meeting with the DPRK planned for January 1996.

You will see from my recent report to the Board of Governors (GOV/2687/Add.11) that a fourth round of technical discussions did indeed take place in Pyongyang, from 23 to 29 January 1996. Discussion resulted in limited progress in some areas. However, the DPRK continued to decline a number of important inspection measures. Thus, although the DPRK said that the Agency could now "resume ad hoc and routine inspections" (required by the safeguards agreement) these would be permitted only at facilities not subject to the freeze.

Agreement on Agency inspectors continuing baseline photographing at all facilities subject to the freeze was reconfirmed. It was also reconfirmed that the DPRK would provide, as required under the freeze, advance notice to Agency inspectors about any maintenance work involving facilities and equipment. It was further reconfirmed that short-notice inspections by inspectors already in the DPRK would continue to take place at different parts of facilities subject to the freeze as an interim measure until agreement was reached about the installation of containment and surveillance and other monitoring devices, e.g., at certain parts of the Radiochemical Laboratory. Moreover, to help obviate delays in issuing visas for Agency inspectors, it was also agreed that the Agency would provide inspector notifications two weeks in advance to enable the timely issue of visas in Vienna.

Also during the January technical talks, representatives of the Agency and the DPRK had detailed discussions about inspection activities to be carried out at specific locations. The results of those discussions are summarized in paragraph 12 of my report to the March Board meeting. Paragraphs 13 to 14 of that report cover the remaining issues addressed, in particular as relevant to the preservation of information required to verify the correctness and completeness of the DPRK's initial declaration under its Safeguards Agreement.

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Agreement could not be reached on the proposals in the Agency's paper during the January meeting. The Agency reiterated that unless there is early agreement with the DPRK on the proposed measures required to preserve the information, any possibility for the Agency to verify the correctness and completeness of the DPRK's initial declaration in the future might be lost. The fifth round of technical discussions between representatives of the Agency and the DPRK is planned for the second half of May.

I should be grateful if you would bring this letter and its enclosures to the attention of the Security Council, to which I will continue to report further developments.

(Signed) David B. WALLER
Acting Director General for
the Director General

Enclosure

**REPORT BY THE DIRECTOR GENERAL
ON THE IMPLEMENTATION OF THE AGREEMENT
BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY
AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
FOR THE APPLICATION OF SAFEGUARDS IN CONNECTION
WITH THE TREATY ON THE NON-PROLIFERATION
OF NUCLEAR WEAPONS (INFCIRC/403)**

1. At meetings of the Board of Governors on 25 September 1995 and 12 December 1995, the Director General reported on the "Implementation of the Agreement between the Agency and the Democratic People's Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons" and the Board requested the Director General to keep it informed - as appropriate - of developments in the future. This report is submitted for the Board of Governors' consideration pursuant to those requests and to bring up to date the information contained in the Director General's latest written report to the Board, document GOV/2687/Add 10.
2. At its post-General Conference meeting of the Board of Governors on 25 September 1995 the Director General reported on the third round of technical discussions that had taken place between the Agency technical team and representatives of the DPRK from 12 to 18 September 1995. The Director General explained that these discussions had related to activities carried out pursuant to the DPRK's safeguards agreement with the Agency including activities at the DPRK's nuclear facilities subject to the freeze of the DPRK's graphite moderated reactors and related facilities foreseen in the "Agreed Framework" of 21 October 1994 between the DPRK and the United States. He reported to the Board that, although the DPRK had agreed to Agency measurements of irradiated fuel rods in storage at the 5 MW(e) Experimental Reactor, which would verify whether the rods were all irradiated fuel rods, it had not agreed to measurements that would give information about the total amount of plutonium in the spent fuel. Recalling that the Agency had envisaged taking such measurements during the transfer of the spent fuel into containers for storage, the

Director General said that this information would have to be obtained through measurements, with some limitations in accuracy, at a much later date, (more than five years) and could require opening of the storage containers at significant additional cost.

3. The Director General also reported that no agreement had been reached about the installation of Agency monitoring equipment at nuclear waste tanks in the DPRK's Reprocessing Plant, needed in addition to the containment and surveillance equipment already installed, to enable the Agency to monitor, on a continuous basis, that there is no movement or any operation involving the wastes. The Director General was nevertheless able to report that some implementation measures which had been agreed in January 1995 with the DPRK but which had not been applied because of objections by the operator, (e.g. photographing of the new process line of the reprocessing plant by inspectors), could now be implemented.

4. Finally, the Director General explained to the Board that a detailed technical paper about the requirements of the Agency for the preservation of information by the DPRK which had been given to the DPRK representatives at the beginning of the September 1995 meeting, had not been discussed; the DPRK had simply indicated its intention to study the paper and to discuss it with the Agency's technical team at a future meeting. This paper describes the information that the DPRK needs to preserve and which the Agency needs in connection with the verification of the correctness and completeness of the initial DPRK declaration.

5. At the meeting of the Board of Governors on 12 December 1995, the Director General reported further about verification measures being implemented at nuclear facilities in the DPRK whether or not covered by the freeze foreseen in the 'Agreed Framework'. He said, inter alia, that in September 1995 the Agency had requested the DPRK to undertake minor but essential modifications to the design of the storage racks for cans containing spent fuel discharged from the DPRK's 5 MW(e) Experimental Reactor, so as to enable the cans to be effectively sealed in the racks under water. The Director General explained that the modifications requested would not cause any delay to the canning operations for which the entire time table appeared to have slipped because of technical difficulties related to the cleaning of the spent fuel storage pond. With regard to the agreement reached with the DPRK in September 1995 to enable Agency inspectors to photograph the new process line and other areas of the DPRK's reprocessing plant, the Radiochemical Laboratory, the Director General informed the Board that Agency inspectors had not been enabled to carry this out because DPRK operators had raised new objections and had imposed preconditions. Finally, the Director General recalled that some other technical issues, for example, the monitoring of nuclear waste also remain to be resolved. As for the paper which the Agency had given to the DPRK in September 1995, containing specific proposals about the

preservation of information required to verify the correctness and completeness of the DPRK's initial declaration, the Director General noted that DPRK representatives had not been prepared to discuss that paper in September. All these issues were on the agenda for the next technical meeting with the DPRK planned for January 1996.

6. At the conclusion of the Board of Governors meeting on 12 December 1995, the Board expressed concern that there were still some issues outstanding between the Agency and the DPRK in their technical discussions, and welcomed the further technical discussion planned for January 1996 with a view to resolving outstanding issues and expressed the hope that agreement would be reached on these issues.

DEVELOPMENTS IN SAFEGUARDS IMPLEMENTATION IN THE DPRK SINCE THE DECEMBER 1995 MEETING OF THE BOARD OF GOVERNORS.

7. The fourth round of technical discussions took place between an Agency technical team and DPRK representatives from 23 to 29 January 1996. These discussions resulted in limited progress in the form of reconfirming agreement on some of the safeguards measures, including monitoring activities, which had been agreed during previous technical meetings but which had not been implemented. Conversely, however, the DPRK continued to decline a number of important inspection measures.

8. The fundamental difference of view between the Agency and the DPRK about the current status of the DPRK's Safeguards Agreement continues. The DPRK regards acceptance of measures required by the Agency to monitor the freeze only in the context of the 'Agreed Framework' between DPRK and US and not as being in the context of implementation of the Safeguards Agreement which the DPRK considers to be inoperative at this stage.

9. During the discussions, the DPRK stated that the Agency can now "resume ad-hoc and routine inspections" (required by the safeguards agreement). However, such inspections would be permitted only at facilities not subject to the freeze. In conformity with this statement, the DPRK agreed to provide to the Agency, by the end of February 1996, accounting reports pertaining to the nuclear material at the DPRK's IRT Research Reactor, the Critical Assembly, the Sub-Critical Assembly and the Nuclear Fuel Rod Storage facility, small facilities not subject to the freeze. Moreover, the DPRK agreed to send the Agency an updated list of Locations Outside Facilities (LOFs) and to send relevant accounting reports, as required, also by the end of February 1996. It also was agreed that Agency inspections at the LOFs would start in March 1996. However, the DPRK declined to provide reports pertaining to nuclear material at facilities subject to the freeze.

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10. Agreement on Agency inspectors continuing baseline photographing at all facilities subject to the freeze was reconfirmed. Such activities were agreed during the September 1995 technical meeting, but, as stated in paragraph 5 above, have not been implemented because DPRK operators had raised new objections and imposed preconditions. The activities will now be implemented in accordance with written procedures endorsed during the technical discussions. It was also reconfirmed that the DPRK will provide, as required under the freeze, advance notice to the Agency inspectors about any maintenance work involving facility equipment.

11. During the January technical discussions it was further reconfirmed that short notice inspections by inspectors already in DPRK will continue to take place at different parts of facilities subject to the freeze. This is an interim measure until agreement is reached with the DPRK about the installation of containment and surveillance and other monitoring devices e.g., at certain parts of the Radiochemical Laboratory. In view of delays which have been experienced in issuing visas for Agency inspectors it was also agreed that the Agency will provide inspection notifications two weeks in advance to enable the timely issuance of visas in Vienna.

12. In addition to the issues described above, the Agency had detailed discussions with the DPRK about inspection activities to be carried out at specific locations as follows:

- (i) The DPRK reconfirmed the agreement which had been reached during the previous meeting with the Agency about measurements of irradiated fuel rods located in the spent fuel pond at the 5 MWe Experimental Reactor. These measurements would be made during the canning of the fuel rods now scheduled to take place between March and July 1996. However, the measurements, (a procedure for which was given to the DPRK representatives by the Agency during the discussions), will be limited and will not provide any information about the total amount of plutonium contained in the irradiated fuel. On this particular issue, the DPRK reiterated that it is not prepared now to provide operating records and plutonium production records regarding the 5 MWe Experimental Reactor for examination by the Agency. During talks related to the fuel rods, and the Agency's request to the DPRK to undertake the required modifications to the storage rack design, the DPRK requested the Agency to confirm the modifications it had suggested to the fuel rack design with the United States canning team and the DPRK operator. This would enable the DPRK operator to "assess these proposals from a safety, operational and monitoring point of view". Most of the

modifications required to the design have, by the date of this report, already been implemented.

- (ii) Following an *in situ* demonstration of relevant equipment by the Agency, the DPRK reconfirmed its agreement to the installation of an Integral Monitoring System, consisting of vibration and magnetic sensors, on the motors of the mixer settlers in the solvent recovery area of the Radiochemical Laboratory. Such sensors, would give the Agency inspectors the capability to detect on a continuous basis, whether there is any operation of the mixer settlers and also the length of any maintenance work involving the motors. It was expected that installation could start in March 1996 and that, after one month's performance evaluation and subsequent discussions with the operator, the installation of the system will continue on mixer settlers in other parts of the facility.
- (iii) The DPRK continued to refuse the Agency's request for the installation of electromanometers at the liquid waste tanks of the Radiochemical Laboratory. This equipment, with the previously installed containment and surveillance equipment, would enable the Agency effectively to monitor the freeze related to such waste by verifying, on a continuous basis, that there is no movement or any operation involving the liquid nuclear waste. This is important also in connection with the preservation of information related to the verification of the completeness and correctness of the DPRK's initial declaration. In the Agency's view, there are no technical barriers to the installation of the electromanometers. Furthermore, there is still no agreement with the DPRK about the Agency's request to perform non-destructive measurements and/or sampling for destructive analysis at locations selected by the Agency at the Radiochemical Laboratory.
- (iv) During the technical discussions in January 1996, it was not possible to resolve definitively whether nuclear-related equipment and components for the Nyongbyon Nuclear Power Plant (50 MWe) and the Taechon Nuclear Power Plant (200 MWe) is to be submitted by the DPRK for Agency monitoring of the freeze.

13. Agreement could not be reached on the proposals in the Agency's paper, given to the DPRK in September 1995, about the preservation of information required to verify the correctness and completeness of the DPRK's initial declaration under its safeguards agreement, nor about the timing of the next technical meeting at which that paper could be

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discussed further. The Agency team put forward practical proposals for the early implementation of the measures contained in the paper. The DPRK side made only a general statement according to which "there can be many discussions on this issue in the future". The Agency reiterated that unless there is an early agreement with the DPRK on the measures required to preserve the information, any possibility for the Agency to verify in the future the correctness and completeness of the DPRK initial declaration, might be lost.

14. There is still no agreement about measures to improve current communication procedures between the Agency and the DPRK which could facilitate Agency implementation of inspection and monitoring activities. Neither, did the DPRK agree to discuss issues related to increased operating costs at facilities subject to the freeze and to DPRK requirements for the Agency to provide its own power supply for the operation of installed Agency safeguards and monitoring equipment.

15. To follow up the technical discussions in January 1996, the Agency, under cover of a letter dated 14 February 1996 to the General Department of Atomic Energy, sent to the DPRK a summary of the discussions. The substance of the summary is reflected in this report. Finally, the Agency maintains the continuous presence of two inspectors in the Nyongbyon area resulting in high costs of operations. This will increase further since three inspectors will be used during the time of the canning operations regarding the spent fuel rods.



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LETTER DATED 8 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions of my Government, I have the honour to transmit the following information on the cooperation of the Federal Republic of Yugoslavia with the international war crimes tribunal for the former Yugoslavia.

The Yugoslav side has always maintained that the perpetrators of the war crimes and gross violations of international humanitarian law, regardless of their nationality, should be prosecuted. In order to demonstrate its readiness to cooperate with the Tribunal, up to now, the Federal Republic of Yugoslavia has undertaken the following steps:

- Mr. U. Klikovac, Deputy Prime Minister of the Federal Government and the Minister of Justice, and Foreign Minister M. Milutinovic held talks with the President of the Tribunal, Antonio Cassese, in Belgrade in January 1996.
- On 23 February 1996, Foreign Minister Milutinovic addressed a letter to the President of the Tribunal, informing him that the Yugoslav side was ready to allow that the Tribunal's Bureau be opened in Belgrade and that it was ready to negotiate the conclusion of the agreement on this issue.
- On 13 March 1996, negotiations were held with the Tribunal's representatives headed by Mr. Blewitt, Deputy Prosecutor and the draft agreement on the opening of the Bureau was considered. In those talks, the Tribunal's representatives did not dispute that the Bureau's activities and cooperation with the Yugoslav authorities would be pursued in accordance with the Yugoslav regulations. The agreement is currently subject to being approved by the Yugoslav side.
- At the Tribunal's request, and on the basis of the decision of the District Court in Novi Sad, on 30 March 1996, witnesses Drazen Erdemovic and Radoslav Kremenovic were handed to the Tribunal for the period of 60 days. Criminal charges were instituted against



D. Erdemovic in the District Court in Novi Sad for committing war crimes against civilians pursuant to article 142 (paragraph 1) of the Criminal Code of the Federal Republic of Yugoslavia. The same court filed charges against R. Kremenovic for hiding Erdemovic.

- While testifying before the Committee for International Relations of the United States Congress, Mr. Peter Tarnoff, Under Secretary for Political Affairs in the State Department, said, inter alia, that Belgrade has undertaken steps to promote cooperation with the Tribunal.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Chargé d'affaires a.i.



Security Council

Distr.
GENERAL

S/1996/340
8 May 1996

ORIGINAL: ENGLISH

LETTER DATED 8 MAY 1996 FROM THE PERMANENT REPRESENTATIVE
OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to request that the "Amnesty Law" approved today by the National Assembly of the Republic of Angola and promulgated by the President of the Republic be circulated as a document of the Security Council.

(Signed) Afonso VAN-DUNEM "MBINDA"
Ambassador
Permanent Representative



ANNEX

LAW No. __/96

Taking into account the need to definitely attain peace as the fundamental factor of national reconciliation;

Taking into account the need to underline the spirit of tolerance and to guarantee harmonious fraternity between Angolan citizens;

Bearing in mind the urgency to create a legal framework within the general principles of national reconciliation contained in the Lusaka Protocol;

In these terms, under line E of article 88 of the Constitution, the National Assembly approved the following:

LAW OF AMNESTY

Article 1

Amnesty is granted for all crimes against the internal security of the State and all related crimes committed by national citizens in the framework of the armed conflict, beginning 31 May 1991 up to the date of approval of the present Law.

Article 2

Amnesty is granted for all military crimes committed in the referred period as prescribed in article 1.

Article 3

All legislation that contradicts the present Law is null and void.

Article 4

The present Law enters into force on the date of its publication.

Seen and approved by the National Assembly

(Signed) Fernando Jose de Franca Dias Van-Dunen
President of the National Assembly

(Signed) Jose Eduardo dos Santos
President of the Republic

8 May 1996



Security Council

Distr.
GENERAL

S/1996/341
8 May 1996
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 8 MAY 1996 FROM THE PERMANENT REPRESENTATIVE OF
BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to transmit to you herewith the text of the press release issued by the Minister for Foreign Affairs and Cooperation of the Republic of Burundi (see annex). In his statement, the Burundian Minister for Foreign Affairs draws attention to the fact that terrorist attackers have assassinated a member of Parliament and murdered other citizens, and that public buildings and private homes have been looted, damaged and destroyed.

As an official and categorical denial of the shameless accusations that have been made against the Burundian army, which certain circles have all too gratuitously and tendentiously blamed for the recent deaths in Cibitoke province, the Minister for Foreign Affairs states that, on the contrary, the forces of order have rescued many other citizens threatened by armed terrorist groups that have infiltrated into Burundi from abroad.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) T rence NSANZE
Ambassador
Permanent Representative



ANNEX

Press release dated 5 May 1996

The Ministry of Foreign Affairs and Cooperation wishes to inform national and international public opinion that the armed rebellion intent on waging war against Burundi has once again perpetrated crimes against innocent civilians.

On Friday, 3 May 1996, at 0600 hours, rebels based in Zaire made an incursion into Cibitoke. The attack was repulsed by the forces of order. The attackers withdrew to the place from which they came. During this engagement, a number of civilians sought refuge at the home of the People's Representative, the Honourable Bibiane Ntamutumba. A second wave of attackers, from the same rebel base, attacked the residence of the Honourable Bibiane Ntamutumba, where his family and the people who had sought refuge were staying. The attackers set fire to the house and used grenades to kill everyone in it. The forces of order were able to save only two children.

At Bujumbura, on Saturday, 4 May 1996, at 0130 hours, the same death squads attacked King Khaled University Hospital, killing one person and wounding four others (a five-month-old baby, which was seriously hurt; two women; and a person wounded in the war). Moreover, the attackers blew up doors, broke windows, looted wards and stole equipment and medicine. They fired shots in all the wards and destroyed much equipment. The patients managed to survive by taking shelter under their beds, and thanks to the rapid intervention of the forces of order.

The Ministry of Foreign Affairs and Cooperation presents its most heartfelt condolences to the families of the victims.

The Ministry of Foreign Affairs and Cooperation thanks the heads of the diplomatic missions and the representatives of international and non-governmental organizations that visited King Khaled University Hospital in order to observe what had taken place, extend their sympathy to the people of Burundi and express their outrage at these criminal acts, which were directed exclusively against defenceless people and the country's principal medical establishment.

The men and the organizations that sponsored this slaughter, these attempts on people's lives and this destruction had, one recalls, since 30 March 1996 - that is, immediately after the Regional Summit in Tunis - perpetrated other attacks in which children, women and old people were the principal victims, and in which hospitals, community clinics, health centres and ambulances were destroyed in the provinces of Bururi, Makamba, Gitega, Muyinga, Karusi, Rutana, Muramvya and Bubanza. At the time, these criminal acts did not elicit much sympathy from the international community. By what moral standards can such acts be understood, forgiven and accepted as commonplace?

The Ministry of Foreign Affairs and Cooperation requests the heads of diplomatic missions and the representatives of international and non-governmental organizations to report objectively about what they have seen

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to the Governments, nations or organizations that they represent and give them an accurate account of what is taking place in Burundi: recognized crimes against innocent populations, women, children and defenceless patients cannot be mistaken for a struggle for democracy or the liberation of an ethnic group, or presented simply as inter-ethnic confrontation or fighting between the army and the rebels. These are crimes against humanity that the entire international community must denounce and condemn without hesitation, and combat without delay.



Security Council

Distr.
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S/1996/342
8 May 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 MAY 1996 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA
TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

I have the honour to transmit to you herewith a letter addressed to you by Mr. Omar Mustafa Al-Muntasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya, concerning statements being made by officials of the United States Administration that indicate that the United States is preparing to take large-scale military action against the Libyan Arab Jamahiriya.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Sunni MUNTASSER
Deputy Permanent Representative
Chargé d'affaires a.i.



Annex

Letter dated 7 May 1996 from the Secretary of the General
People's Committee for Foreign Liaison and International
Cooperation of the Libyan Arab Jamahiriya addressed to
the President of the Security Council

You have no doubt been following the statements that Secretary of Defense William J. Perry and other officials of the United States Administration have been making for more than a month now, all of them indicating that the United States of America is preparing for large-scale military action against the Libyan Arab Jamahiriya on the pretext of preventing it, as it says, from producing chemical weapons at a plant under construction near the town of Tarhunah.

The Libyan Arab Jamahiriya would like to alert you and the international community to the dangerous character of the designedly hostile intentions of the United States of America towards the people of the Libyan Arab Jamahiriya and to the threat posed by these intentions to peace and security in the Arab world and the Mediterranean region.

The gravity of the situation lies in the fact that the threatened use of force emanates from a country that is a permanent member of the Security Council and one that possesses enormous military capacities. It has long used these capacities in a tyrannical manner that has caused human catastrophes and human tragedies in various parts of the world. The brutal aggression committed by the United States Administration against the Libyan Arab Jamahiriya in 1986 is not far from our minds. On that occasion the United States Administration based its threat to use force on false allegations fabricated by the Central Intelligence Agency (CIA), a body with an ample record of producing reports and formulating positions that have led to grave mistakes. Examples we have cited in the past where such reports lacked any truth include the Berlin nightclub incident that was the pretext for the 1986 attack on the Libyan Arab Jamahiriya, the incident in which it was falsely claimed that the Chinese ship Vin He was carrying chemicals to be used in the development of chemical weapons, and the outcry contrived by the United States Administration in connection with the pharmaceutical plant at Rabtah.

The gravity of the situation lies also in the fact that current and former officials of the United States Administration have been led to imagine the kind of attack that can be made on the site of the plant. Media reports in this connection reveal dangerous flaws in thinking, just as they reveal contempt for humanitarian principles, norms and values. According to a former deputy assistant secretary of defense and expert in chemical weapons, everyone is engrossed in seeking the silver bullet that can solve the problem. Some of the media have even referred to CIA reports that address the possibility of destroying the plant with an atomic bomb, although this is incompatible with the undertakings given by the United States with regard to ensuring that nuclear weapons are not used against States that are parties to the Treaty on the Non-Proliferation of Nuclear Weapons. Resort to such a reckless action is not unlikely, given that when asked of this Mr. Perry replied that he did not

exclude any option. The most recent statement of relevance is that published by the magazine Al-Majallah and attributed to a programme director in the United States Department of Defense (copy attached). The frenzied call by the prime minister of the Zionist entity for an international alliance against Libya, Iraq and Iran must also be borne in mind in this connection.

The United States of America is trying to mobilize international public opinion against the Libyan Arab Jamahiriya and to incite countries against it, and it expresses its deep concern. It does all of this on the basis of reports fabricated by the CIA, and it is not ashamed to do so while turning a blind eye to the actual dangers of the Israeli nuclear arsenal. It is even the case that it expresses no concern at the risks arising out of the safety situation at the Israeli nuclear reactor at Dimona despite growing doubts in the region and even in Israel itself concerning safety procedures there.

As it denies in the strongest terms the United States claims that there is a plant for the production of chemical weapons near the town of Tarhunah, the Libyan Arab Jamahiriya would like to call attention to the grave character of the United States threats, which are totally incompatible with the purposes of the United Nations as they relate to the maintenance of international peace and security and the promotion of friendly relations among nations. This policy is also incompatible with the principle of the non-use of force in international relations.

I should be grateful if you would have this letter and its enclosure circulated as a document of the Security Council.

(Signed) Omar Mustafa AL-MUNTASSER
Secretary of the General People's Committee
for Foreign Liaison and International Cooperation

Enclosure

Article from Al-Majallah, issue No. 847, 5-11 May 1996, page 12

THE UNITED STATES NEEDS TWO YEARS TO DESTROY THE LIBYAN PLANT

Harold Smith, Assistant to the United States Secretary of Defense for Nuclear, Chemical and Biological Defense Programs, has said that the United States will need at least two years to develop a non-nuclear weapon capable of destroying the chemical weapons plant that the United States Government claims Libya is presently building inside a mountain. The United States official indicated, in particular, that two unsuccessful experiments have thus far been carried out on a bomb capable of destroying underground sites such as that of the plant, which Libya denies is intended for weapons production.

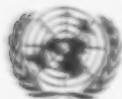
The special fuzes designed to ignite the high explosives after the bomb penetrates deep inside the facility were unable to perform this task during the two experiments carried out at the White Sands proving ground in New Mexico.

The Libyan plant, which Director of Central Intelligence John M. Deutch says will be the largest chemical weapons factory in the world, may be ready to go into operation within a year according to United States officials. United States Secretary of Defense William J. Perry has stated that the United States cannot allow this to happen.

Libyan leader Muammar Qaddafi, for his part, says that the plant is part of a water distribution network, and he has offered to give his agreement, subject to certain conditions, to allowing an inspection team to verify that fact.

**S/1996/
343**

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8 May 1996

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION CONCERNING WESTERN SAHARA

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1042 (1996) of 31 January 1996, requesting me to report to the Council by 15 May 1996. In that resolution, the Council expressed deep concern about the stalemate hindering the completion of the identification process and the consequent lack of progress towards the completion of the settlement plan, and called upon the two parties to cooperate with the Secretary-General and the United Nations Mission for the Referendum in Western Sahara (MINURSO) in resuming the identification process. The Security Council supported my intention, in the absence of meaningful progress towards completion of the plan, to submit for consideration a detailed programme for a phased withdrawal of MINURSO.

2. The present report sets out the efforts made since January to implement the settlement plan and the difficulties encountered. Section II addresses the identification process; section III covers other aspects of the plan; section IV the activities of the military and civilian police components and section V discusses the financial aspects. The report concludes with some observations and recommendations.

II. IDENTIFICATION COMMISSION

3. On 1 February 1996, immediately after the adoption of resolution 1042 (1996), my Acting Special Representative, Mr. Erik Jensen, wrote to both parties proposing an early meeting to discuss the resumption of the identification process. A detailed programme to complete the identification of all remaining applicants within 26 weeks was prepared for submission to the parties. The programme had been drawn up by the Identification Commission on the basis of the assurances given to my Special Envoy during his mission to the region from 2 to 9 January 1996, as reflected in paragraph 9 of my report of 19 January (S/1996/43).



4. On 5 February, my Acting Special Representative met in Laayoune with representatives of the Government of Morocco, who took note of the identification programme, requested supplementary information and proposed another meeting. Additional elements were provided and, on 8 February, the Minister of the Interior, Mr. Driss Basri, informed my Acting Special Representative that the proposed programme required further discussion at Rabat. During a high-level meeting on 15 February, the Government indicated that it wished to proceed with identification in accordance with the settlement plan. It said it would accept the proposed programme, provided there was no differentiation of treatment between different tribes and tribal groupings of the 1974 census and no new identification centres became operational before all remaining applicants were identified at existing centres.
5. The practical consequence of these Moroccan provisos was that it would not have been possible to postpone processing of the contested groups. Morocco asserted that it was not party to any compromise on this subject. In addition, until the identification process had been completed, it totally opposed the issuing of the lists referred to in paragraph 16 of my report (S/1996/43). It contended that disclosure of the lists would be an unacceptable departure from the provisions of the settlement plan and had not been approved by the Security Council.
6. Subsequently, the Government modified its position so as to facilitate the resumption of identification. On 6 March, the Minister of the Interior informed my Acting Special Representative that, in a spirit of compromise, the identification process could restart with applicants from groups not contested by the Frente POLISARIO (tribes A to G), on the understanding that, from the fourth week, applicants from some H, I and J tribal groups would be included. Morocco agreed that the more contentious H41, H61 and J51/52 groupings could be considered from the seventh week. However, the Moroccan position against the disclosure of the lists remained unchanged.
7. At first, Frente POLISARIO officials indicated to my Acting Special Representative that they were unable to discuss formally the resumption of the identification process until the return to the Tindouf area of Mr. Mustafa Bachir Sayed, Frente POLISARIO Coordinator with MINURSO. Nevertheless, my Acting Special Representative requested the Chairman of the Identification Commission to deliver the proposed programme to Mr. Ennahmed Jaddad, Chairman of the Frente POLISARIO Subcommission on Identification. The latter said that he was not authorized to take receipt of it. In a subsequent discussion, he said that the Frente POLISARIO believed that the Secretary-General's report of 19 January 1996 contained certain misunderstandings: the Frente POLISARIO's position had always been, and still was, that all the "Tribus del Norte", "Chorfa" and "Costeras y del Sur", known as H, I and J, were unacceptable for identification because they were groupings of tribes and were not composed of subfractions in the strict sense of the 1974 Spanish census.
8. Upon his return to the Tindouf area, Mr. Bachir indicated that he did not wish to meet with my Acting Special Representative to consider identification only. He wished instead to discuss the settlement plan as a whole, at a meeting to be attended by the heads of all the MINURSO components, as well as by the

Independent Jurist. Furthermore, he did not see the utility of discussing the proposed identification programme until such time as all the lists had been made available to the Frente POLISARIO. A meeting was eventually arranged on 20 February. Other meetings followed and, on 4 April, while expressing the Frente POLISARIO's wish to proceed with identification and the implementation of the settlement plan, Mr. Bachir agreed to participate in the processing of applicants from groups A to G. He accepted the identification programme proposed for the first three weeks, provided that the lists of persons found eligible to vote were made available before the end of that period. He further indicated that the Frente POLISARIO would not commit itself to participate in the identification of applicants from the contested H to J groups.

9. It has thus proved impossible to resume identification, as called for by the Council. It will be realized that the settlement plan provided, as the original timetable made clear, for close linkage between the cease-fire and the political process. Although agreement was reached for the cease-fire to come into effect on 6 September 1991, it was only in April 1994 that a basis was found, and agreed upon, to begin the identification process. After a number of critical problems were resolved, identification began in August 1994 and, after initial difficulties and interruptions, continued at an increasing pace until the following August. By the autumn of 1995, a large percentage of applicants from the uncontested groups in the Territory and the refugee camps near Tindouf had been processed before it became apparent that irreconcilable differences between the parties about which further applicants could be presented for identification could not be overcome.

10. Since its inception, the identification process has been based on the agreement of both parties and their willingness to cooperate. At each session, representatives of both the Government of Morocco and the Frente POLISARIO have been present, in addition to the tribal leaders (one from each side) and an observer for the Organization of African Unity (OAU). The process has been conducted in an open and transparent manner and the procedure has not been seriously challenged by either side. However, participation cannot be imposed on the parties. Proposals to permit the Identification Commission to act more independently have been rejected. At this stage, even making available the lists of persons found eligible to vote is unlikely to resolve the problem of how to identify the many applicants from the groups in whose identification the Frente POLISARIO will not participate, and on whose identification Morocco insists. The settlement plan was complex from the outset and its implementation, which has reached this stage only through creative compromises, appears to have come to an impasse, as described above.

11. More than 60,000 persons have been identified to date and over 77,000 convoked. These are significant figures, if compared with the figure of 73,497 in the revised census list, even though 156,924 applicants remain to be identified. The achievement to date has been important in respect of the procedures established, the logistical arrangements, and the work completed, as well as the interaction between long-separated Saharans as a result of the movement of individuals from one side to the other. The findings of the Identification Commission have been meticulously reviewed for accuracy and consistency, consolidated and data-processed. Even though the identification

process cannot continue under the present circumstances, this valuable information can be of use at a later stage.

III. OTHER ASPECTS OF THE SETTLEMENT PLAN

12. There has been no significant progress on the implementation of other aspects of the plan, such as the release of political prisoners, the exchange of prisoners of war, the reduction of Moroccan forces and the confinement of Frente POLISARIO troops. It would appear that these issues would be seriously addressed only after the impasse on identification had been resolved. On 2 May, the Government of Morocco submitted some additional preliminary observations on the draft code of conduct for the referendum for consideration by MINURSO.

13. The Office of the United Nations High Commissioner for Refugees (UNHCR) has continued its activities, and has updated the repatriation plan drawn up in 1991. In view of the state of the identification process, no deployment of UNHCR staff to Laayoune has been necessary to date. UNHCR is, however, continuing its assistance programme for the refugees in the Tindouf area, where it has established a presence and is currently discussing its level with the authorities. The cost estimates for the UNHCR repatriation project have been revised to \$43,875,641.

14. The non-governmental organization, Action internationale contre la faim (AICF), has carried out, with UNHCR guidance, preparatory work for water requirements around potential repatriation sites. Although \$2,145,000 were obligated by UNHCR for this work, no funds have been committed to AICF, given the lack of fixed dates for the referendum and the repatriation operation.

IV. MILITARY AND CIVILIAN POLICE ASPECTS

Military component

15. On 1 April 1996, Major-General José Eduardo Garcia Leandro (Portugal) replaced Brigadier-General André Van Baelen (Belgium) as Force Commander. The current strength of the military component stands at 288, comprising 240 military observers and 48 military support personnel.

16. During the reporting period, the military component of MINURSO has continued to monitor and verify the cease-fire. There have been no confirmed violations. Recent complaints about alleged overflights could not be verified.

17. The cease-fire has now held for nearly five years. The presence and activities of United Nations military observers have contributed to this achievement, which clearly must be sustained.

18. In keeping with the options I outlined in my report to the Council of 19 January 1996, and pursuant to resolution 1042 (1996), I sent a technical team last month to examine the current functions of the MINURSO military component and to determine whether its size could be reduced, while still permitting it to

play an effective role in monitoring the cease-fire and verifying allegations of violations.

19. Following a careful review of options formulated by the team, I have concluded that it is possible to reduce the strength of the military component without impairing its operational effectiveness in the field, as described in the observations section of the present report.

Civilian police component

20. During the reporting period, the civilian police component of MINURSO, headed by Brigadier-General Walter Fallmann (Austria), was reduced from 91 to 44, in keeping with the reduced activity in identification. The component has provided technical assistance to the Identification Commission and maintained a 24-hour security presence at all identification centres.

V. FINANCIAL ASPECTS

21. By its resolution 49/247 of 20 July 1995, the General Assembly authorized me to enter into commitments for the operation of the Mission for the period after 30 September 1995 at a monthly rate not to exceed US\$ 5,592,500 gross, subject to the extension of the mandate of MINURSO by the Security Council.

22. My proposed budget for the maintenance of the Mission for the period from 1 July 1996 to 30 June 1997 (A/50/655/Add.1) has been submitted to the General Assembly for consideration at its resumed session. The cost of maintaining MINURSO at its currently authorized strength is estimated at US\$ 4,361,250 gross (\$4,038,000 net) per month beginning on 1 July 1996. However, should the Council decide to extend the mandate of MINURSO at the reduced strength, as proposed in paragraph 30 below, the cost of maintaining the Mission during the extension period will entail a downward adjustment of the monthly rate indicated above. It is my intention to submit revised cost estimates to the General Assembly shortly for its consideration.

23. As at 30 April 1996, unpaid assessed contributions to the MINURSO special account for the period since the inception of the Mission to 31 May 1996 amounted to \$51.4 million. In order to meet the operating cash requirements of MINURSO, loans amounting to \$3 million were made to the MINURSO special account from other peace-keeping accounts. These loans remain unpaid. The total outstanding assessed contributions for all peace-keeping operations as at 30 April 1996 was \$1,742.3 million.

VI. OBSERVATIONS

24. In my last report to the Security Council (S/1996/43), I had expressed the hope, in the light of the discussions of my Special Envoy during his mission to the region earlier this year, that the identification of potential voters could resume without further delay. Regrettably, as a result of the positions of the parties, described above, all efforts to achieve that result have so far been frustrated. Although both the Government of Morocco and the Frente POLISARIO

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profess their commitment to the settlement plan and to the identification process, the impasse reached at the end of 1995 continues.

25. Morocco maintains that, in accordance with the plan, all persons for whom applications were received on time should be presented for identification, without discrimination between different tribal groups. However, it has agreed to resume the process by starting with members of non-contested groups, on the understanding that all applicants would eventually be processed.

26. The Frente POLISARIO has reaffirmed its readiness to participate, in accordance with the settlement plan, in the identification of applicants who are members of subfractions included in the 1974 census. However, for the Frente POLISARIO, "subfractions included in the 1974 census" do not include those tribal groupings listed under the codes H, I and J; in these groups, the Frente POLISARIO would agree to identify only individuals included in the census and members of their immediate family. At the same time, the Frente POLISARIO insists on receiving the lists of persons already processed and found eligible to vote. Morocco, on the other hand, rejects the issuance of lists prior to the completion of identification on the grounds that this would be contrary to the plan and is not endorsed by the Security Council.

27. I have myself so far undertaken two missions to the region in an effort to resolve the problems which have been impeding the implementation of the settlement plan. In June 1995, the Security Council dispatched its own Special Mission to the area to impress upon the parties the necessity of cooperating fully with MINURSO in the implementation of all aspects of the settlement plan, to assess progress and to identify problems in the identification process. Last January, I sent a Special Envoy to try to break the deadlock in that process.

28. In addition, my Acting Special Representative has been working closely with both sides for the past three years trying to overcome difficulties in the identification process and in the implementation of other aspects of the settlement plan. Although he has accomplished a great deal, the impasse over identification persists. The Independent Jurist has also made two visits to address the question of political prisoners and detainees but without substantive results.

29. I am compelled to conclude that the required willingness does not exist to give MINURSO the cooperation needed for it to resume and complete the identification process within a reasonable period of time. In these circumstances, I feel obliged to recommend that the identification process be suspended until such time as both parties provide convincing evidence that they are committed to resuming and completing it without further obstacles, in accordance with the settlement plan, as mandated by the Security Council.

30. The suspension of the identification process will mean that the remaining members of the Identification Commission will leave the mission area at the end of May 1996, with the exception of a few who will be required to ensure the orderly closure of the remaining centres and the storage of the identification data. The records of the Identification Commission will be transferred to the United Nations Office at Geneva for safe-keeping.

31. Suspension of identification will also entail the withdrawal of the civilian police component, except for a small number of officers to maintain contacts with the authorities on both sides and to plan for eventual resumption of the identification process.

32. On the military side, the maintenance of the cease-fire has been a major achievement of MINURSO. Its presence has contributed to regional security, and the countries in the region feel that its withdrawal could result in instability, with potentially serious consequences for all concerned. I share this view but at the same time I am convinced that a reduction in the size of the military component can be achieved.

33. I therefore propose a reduction in the strength of the military component of MINURSO by 20 per cent, from 288 to 230 military personnel, with concomitant savings. This should permit further reductions in civilian support staff, the extent of which will be ascertained in the context of adjustments to the mission as a whole.

34. This proposal will not, however, reduce the number of team sites in the field, or curtail patrolling activity. Nor will it interrupt the daily contacts with the military forces of each side, which are essential to maintaining confidence. At 8 of the 10 sites, the strength would be trimmed to 16 officers, while the remaining 2 would have a staff of 20. The consequent slight reduction in the size of the north and south sector headquarters would make it necessary to upgrade the communications equipment linking the sites with one another and with MINURSO headquarters. Good communications are particularly important, given the great size of the territory (266,000 square kilometres), the often harsh weather conditions and the scanty infrastructure.

35. My recommendation to suspend the work of the Identification Commission and to reduce the number of civilian police and military observers implies no lessening of resolve to discharge the mandate entrusted to the Secretary-General by the Security Council. The United Nations cannot abandon its responsibility. The international community must remain determined to see not only peace maintained in the region but every effort made for the people of Western Sahara to decide on their future status in a way that will bring lasting peace and stability.

36. In a continuing effort to overcome existing obstacles, I propose to maintain a political office, headed by my Acting Special Representative and staffed by a small number of political officers, in Laayoune, with a liaison office in Tindouf. That office will maintain a dialogue with the parties and the two neighbouring countries (Algeria and Mauritania) and will facilitate any other effort that could help set the parties on a course towards an agreed formula for the resolution of their differences.

37. I am also hopeful that through a continuing political presence some humanitarian issues, such as the release of Saharan political prisoners and the exchange of prisoners of war, could be resolved without waiting for other aspects of the plan to be implemented. The action taken last November to repatriate a number of aged and sick prisoners of war shows that some progress can be achieved on humanitarian grounds.

38. While reluctantly accepting that conditions do not at present exist for achieving the ultimate objective of the settlement plan, namely, a free and fair referendum, I am conscious of the necessity to keep searching for solutions to the impasse in Western Sahara and to build upon the existing achievement of identifying more than 60,000 applicants and meetings between friends and families who had not seen each other for over 20 years. For this reason, I have instructed my Acting Special Representative to continue to explore with the parties and the neighbouring countries, confidence-building measures that might allow the resumption of contacts among all concerned. I would urge Member States that are in a position to help to continue to exert their influence to facilitate this process. In the meantime, I recommend the extension of MINURSO's mandate for a period of six months at the reduced strength outlined above.

Annex

COMPOSITION OF MINURSO MILITARY AND
CIVILIAN POLICE COMPONENT

MILITARY OBSERVERS

CIVILIAN POLICE OFFICERS

	TROOPS	UNMOs	TOTAL
Argentina		2	2
Austria		4	4
Bangladesh		7	7
China		20	20
Egypt		12	12
El Salvador		2	2
France		27	27
Ghana	8	6	14
Greece		1	1
Guinea		3	3
Honduras		14	14
Ireland		9	9
Italy		6	6
Kenya		10	10
Malaysia		15	15
Nigeria		4	4
Pakistan		5	5
Poland		3	3
Portugal (FC)		1	1
Republic of Korea	40	2	42
Russian Federation		30	30
Tunisia		9	9
Uruguay		15	15
United States of America		30	30
Venezuela		3	3
TOTAL	48	240	288

	CIVPOL
Austria	8
Egypt	0
Germany	3
Ghana	0
Hungary	13
Ireland	0
Nigeria	0
Norway	2
Togo	8
Uruguay	10
TOTAL	44

